

GOVERNMENT NOTIFICATION.

The following Bills, which were read a first time at a Meeting of the Legislative Council held on Monday, the 29th day of April, 1878, are published for general information.

By Command,

H. E. WODEHOUSE,
Clerk of Councils.

Council Chamber, Hongkong, 29th April, 1878.

Title. An Ordinance enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, to consolidate and amend the laws relating to merchant shipping, the duties of the Harbour Master, the control and management of the waters of the Colony, and the regulation of vessels navigating the same.

[, 1878.]

Preamble. WHEREAS it is expedient to consolidate and amend the laws relating to merchant shipping, the duties of the Harbour Master, the control and management of the waters of the Colony, and the regulation of all vessels navigating the same; and whereas doubts have arisen as to the applicability of certain sections of "The Merchant Shipping Act, 1854," and the Acts amending the same: Be it enacted that the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

RELIMITED
To be cited "MERCHANT SHIPPI-
NG ACT, 1878."

Short Title. I. This Ordinance may be cited for all purposes as "The Merchant Shipping Consolidation and Finance, 1878."

Interpretation Clause. II. In the construction of the purposes of this Ordinance (if not inconsistent with the text or subject matter) the following terms shall have the following meanings hereinafter assigned to them, that is to say:—

"Stipendiary Magistrate of the Colony" shall mean and include the Police Magistrates of the Colony and the Marine Magistrate.

"Master" shall mean any person (except a pilot) having the command or charge of a ship.

"Seaman" shall include any person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

"Ship" shall include any description of vessel used in navigation not propelled by oars, except Chinese junks or lorchas not propelled by steam.

"Colonial Ship" shall mean and include every ship registered under section 3, part 1 of this Ordinance.

"Tons," "Tonnage" shall mean tons and tonnage, as calculated according to British measurement of registered tonnage.

The term "waters of the Colony" shall (except as hereinafter provided) be, for the purposes of this Ordinance, deemed to comprise the waters situate within a radius of one marine league from the shores of the Colony: Provided always that this interpretation shall not be construed to affect waters within such radius in any case where such waters are situate within the territorial limits or jurisdiction of the empire of China.

"Passenger" shall mean and include any person carried in any vessel other than the master, seamen and apprentices duly indentured and registered.

PART I.

MERCHANT SHIPPING AND SEAMEN.

CHAPTER I.

REGULATION OF BRITISH AND COLONIAL SHIPS.

No British vessel, without an Imperial register, to use the waters of the Colony. (See Ordinance No. 4 of 1855, sec. 1.) III. No ship owned by a British subject shall be at liberty to trade in or from the waters of this Colony, unless she is provided with a certificate of registry in conformity with the Imperial Acts of Parliament in that behalf: Provided always that it shall be lawful for the Governor in Council, whenever it shall appear to him necessary or expedient so to do, from time to time, and at any time hereafter, to suspend the operation of this paragraph, and, in his discretion, to make other provisions in lieu thereof, with or without publication thereof in the *Gazette*.

2. No ship owned by a Chinese resident of this Colony, such Chinese resident not being a British subject, shall be at liberty to trade in or from the waters of the Colony, unless she has obtained a Colonial register as hereinafter provided.

Chinese owned ships to obtain Colonial registers. (Ibid, sec. 1.)

3. The Governor may, at his discretion, grant a Colonial register to any such Chinese person resident within the Colony applying for the same, provided such applicant be a registered lessee of Crown lands within this Colony, and that he tenders as securities for the due performance by him of all the requirements of this Chapter two other Crown lessees, and that he and such lessees be severally reported by the Registrar General to be each worth two thousand dollars in this Colony, and should such applicant be member of any shop or partnership, that the seal of such shop or partnership be also affixed to the security to be given by him.

Chinese Crown lessees entitled to hold Colonial register. (Ibid, sec. 6.)

4. When any person shall be desirous of obtaining a Colonial register, such person shall forward to the Colonial Secretary a declaration in writing stating whether the ship for which such register is sought is intended to be employed solely in trade with China, or on more distant voyages: Provided always, that should such declaration be false, or the ship to which it relates not be employed in conformity with it, the register thereby obtained shall *ipso facto* become null and void.

Declarations necessary for obtaining register. (Ibid, sec. 2.)

5. A Colonial register shall be given under the hand of the Governor, on production of the following documents:—

Documents necessary previous to grant of Colonial register.

- (a.) The Surveyor's certificate as hereinafter provided by paragraph 6.
- (b.) A declaration of ownership with proof thereof to the satisfaction of the Colonial Secretary.
- (c.) A joint and several bond of the owner and two sureties binding each and every of the several obligees under a penal sum of five thousand dollars, to comply with all the provisions of this Ordinance and with all the laws binding on British subjects with regard to trade with China.

(Ibid, sec. 3.)

6. The Surveyor's certificate, referred to in paragraph 5 of this section, shall be a certificate granted by a Surveyor appointed by the Governor, and shall specify the proper measurement of the ship requiring a Colonial register, and that such ship has proper anchors and chains, canvas sails, if any, her bottom sheathed with metal, and that such ship is in all respects strongly built and properly equipped for the trade for which she is intended.

Surveyor's certificate. (Ibid, sec. 7.)

7. It shall not be lawful for the owner of any Colonial registered ship to have her name painted in white or yellow letters not less than four inches long her name upon some conspicuous part of her stern and on each bow in a distinct and legible manner, both in Roman and Chinese characters, and shall so keep and preserve the same, upon pain, on breach of the provisions of this paragraph, of paying a penalty not exceeding five hundred dollars.

Name of Colonial registered ship. (Ibid, sec. 4.)

8. The register of every Colonial ship shall be produced once at least every six months to the Harbour Master, who shall endorse the date of such production on such register, upon pain, on failure of such production, of the forfeiture of such register, unless satisfactory cause for such non-production be shown to the Colonial Secretary.

Production of Colonial register to Harbour Master every six months. (Ibid, sec. 5.)

9. Every register, certificate, endorsement, declaration, or bond authorized or required by this section, may be proved in any court of justice, or before any person having by law or by consent of parties authority to receive evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the Colonial Secretary, or other person who, for the time being, shall happen to have charge of the original, which certified copy he is hereby required to furnish to every person applying at a reasonable time for the same, and paying therefor the sum of one dollar; and every document, when so proved as aforesaid, shall be received as *prima facie* evidence of all the matters therein recited, stated, or appearing.

Colonial registers, &c. may be proved by production of originals or copies. (Ordinance No. 9 of 1856, sec. 2.)

10. The British flag may be used on board of any ship lawfully possessing a Colonial register.

Chinese residents may use the British flag in colonial registered ships. (Ibid, sec. 1.)

11. Upon any change of ownership in any Colonial ship registered under this section, such change as aforesaid shall be endorsed upon her register under the hand of the Governor, and any change of master shall be endorsed upon the register by the Harbour Master.

Change of owner or master. (Ord. 4 of 1855, sec. 9.)

Colonial register - 12. Every ship, (except Chinese junks or lorchas,) provided
 tered ships to with a Colonial register under this section shall be, in every res-
 be subject to pect, subject to the provisions of part I of this Ordinance and
 Merchant Shipping Acts, (except where the same are inconsistent with the terms of this
 &c. section) to the provisions of "The Merchant Shipping Act, 1854,"
 and to the Acts amending the same, in the same manner and to the
 same extent as British ships registered under the said Acts are
 subject thereto, in the waters of this Colony, or in trading therein
 or therefrom.

Duration of Colonial register. (Ibid, sec. 10.) 13. Any Colonial register granted under this section shall be
 in force and effect for one year from the date of such register,
 and no longer, and such register shall be renewable by endorse-
 ment on the same, under the hand of the Governor, if he shall so
 think fit.

CHAPTER II.

REGULATIONS CONCERNING SAFETY.

Boats for Sea-going Ships.

Rules as to
 boats and life
 buoys.
 (M. S. A. 1854,
 sec. 292.)

(M. S. A.,
 1873, sec 15.)

IV. The following rules shall be observed with respect to boats,
 rafts and life buoys, that is to say:—

- (a.) No decked British ship (except ships used solely as steam
 tugs) shall proceed to sea from this Colony unless she is
 provided, according to her tonnage, with boats duly sup-
 plied with all requisites for use, and not being fewer in
 number nor less in their cubic contents than the boats
 the number and cubic contents of which are specified in
 the table marked A in the schedule hereto for the class
 to which such ship belongs: Provided that the Governor
 may, at the request of the owner, or master, authorize the
 reduction of the number and the variation of the dimensions
 of such boats and also the substitution of rafts or other
 appliances for saving life for any such boats, so never-
 theless that the boats so reduced or varied and the rafts
 or other appliances so substituted be sufficient for the
 persons carried on board the ship: Provided also that it
 shall be lawful for the Governor in Council, from time
 to time, or at any time hereafter, to alter, amend, re-
 peal the said table marked A, or to make a new table
 in lieu thereof. Every such new table and every altera-
 tion, amendment, or repeal of the said table A shall be
 published in the *Gazette*, and after such publication,
 shall be as valid to all intents and purposes as if such
 v or amended table had been originally inserted,
 and for the purposes of the schedule of this Ordinance.
- (b.) No such ship, carrying more than 20 passengers shall pro-
 ceed to sea from any place in the Colony, unless, in
 addition to the boats hereinbefore required, she is also
 provided with a life boat furnished with all requisites for
 use, or unless one of her boats hereinbefore required is
 rendered buoyant after the manner of a life boat.
- (c.) No such ship as last aforesaid shall proceed to sea, unless
 she is also provided with two life buoys;—

And such boats and life buoys shall be kept so as to be at all times
 fit and ready for use: Provided, that the enactments with respect
 to boats and life buoys herein contained shall not apply in any case
 in which a certificate has been duly obtained under the twenty-
 seventh section of "The Chinese Passengers Act, 1855."

2. In any of the following cases, that is to say:—

- (a.) If any ship hereinbefore required to be provided with boats,
 rafts or life buoys proceeds to sea without being so pro-
 vided therewith, or if any such boats, rafts, life buoys, or
 other appliances for saving life are lost or rendered unfit
 for service in the course of the voyage through the wilful
 fault or negligence of the owner or master; or,
- (b.) If in case of any of such boats, rafts, life buoys, or
 other appliances for saving life being accidentally lost
 or injured in the course of the voyage, the master wil-
 fully neglects to replace or repair the same on the first
 opportunity; or,
- (c.) If such boats, rafts, life buoys, and other appliances for
 saving life are not kept so as to be at all times fit and
 ready for use;—

Then if the owner appears to be in fault he shall incur a penalty not
 exceeding five hundred dollars, and if the master appears to be in fault
 he shall incur a penalty not exceeding two hundred and fifty dollars.

Harbour Mas- 3. The Harbour Master shall not grant a clearance for any
 ter not to clear ship hereinbefore required to be provided with boats, rafts, life
 ships not buoys, or other appliances for saving life unless the same is duly
 complying so provided; and if any such ship attempts to go to sea without
 with the above such clearance, the Harbour Master may detain her until she is so
 provisions. (M. S. A. 1854, provided.
 sec. 294.)

Penalties on
 masters and
 owners, &c.,
 neglecting to
 provide boats
 and life buoys.
 (M. S. A.,
 1854, sec. 293.)

Survey of Steam Ships of 50 tons and upwards.

V. This section shall apply:—

- (a.) To all British steam ships being within the waters of the Colony which have not been surveyed in the United Kingdom or in any British possession within the preceding twelve months under the provisions of "The Merchant Shipping Acts, 1854 to 1876," "The Passengers Acts of 1855 and 1863," or any legislative enactment for the time being in force in any British possession.
- (b.) To all vessels of 50 tons and upwards propelled by steam plying within the waters of the Colony, whether for hire or not.
- (c.) To all steam ships registered in this Colony under section III of this Ordinance.

2. Such steam ships shall be provided as follows, that is to say:—

- (a.) Every steam ship or vessel propelled by steam of which a survey is required by this section shall be provided with a safety valve upon each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if such valve is in addition to the ordinary valve, it shall be so constructed as to have an area not less, and a pressure not greater than the area of and pressure on that valve. Equipment of steam ships. (Ib., sec. 301.) Safety valve.
- (b.) Every sea-going steam ship shall have her compasses properly adjusted from time to time; such adjustment, in the case of ships surveyed as hereinafter mentioned, to be made to the satisfaction of the shipwright-surveyor, and according to such regulations as may be issued by the Governor. Compasses to be adjusted.
- (c.) Every sea-going steam ship (unless used solely as a steam tug) shall be provided with a hose adapted for the purpose of extinguishing fire in any part of the ship and capable of being connected with the engines of the ship. Fire hose.
- (d.) Every sea-going steam ship employed to carry passengers shall be provided, to the satisfaction of the Governor:—

(1.) With means for making the signals of distress at night specified in the First Schedule to "The Merchant Shipping Act, 1873," or in any rules substituted therefor, including means of making flames on the ship which are inextinguishable in water, or other means of making signals of distress as

(2.) With a proper supply of lights inextinguishable in water, and fitted for attachment to life buoys.

(e.) Every steam ship employed to carry passengers by sea shall be provided with such shelter for the protection of deck passengers (if any) as the Governor, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case may require: Shelter for deck passengers.

And if any such steam ship as aforesaid goes to sea from any port in the Colony without being so provided as hereinbefore required, then for each default in any of the above requisites, the owner shall (if he appears to be in fault) incur a penalty not exceeding five hundred dollars, and the master shall (if he appears to be in fault) incur a penalty not exceeding two hundred and fifty dollars.

3. If any person places an undue weight on the safety valve of any steam ship, or, in the case of steam ships surveyed as hereinafter mentioned, increases such weight beyond the limits fixed by such engineer-surveyor as hereinafter mentioned, he shall, in addition to any other liabilities he may incur by so doing, incur a penalty not exceeding five hundred dollars. Penalty for improper weight on safety valve. (Ibid, sec. 302.)

4. The Governor may, from time to time, appoint such number of fit and proper persons to be shipwright-surveyors and engineer-surveyors for the purposes of this Ordinance as he thinks proper, and may, from time to time, remove such surveyors, or any of them, and may, from time to time, fix and alter the remuneration to be received by such surveyors. Governor to appoint surveyors, and fix their remuneration. (Ibid sec. 305.)

5. It shall be lawful for the said surveyors in the execution of their duties to go on board any steam ship or vessel propelled by steam to which this section applies, at all reasonable times, and to inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate, or engineer, to which the provisions of "The Merchant Shipping Acts, 1854 to 1876," or this Ordinance, or any of the regulations made, or to be made by virtue thereof apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and, if in consequence of any accident to any such ship or for any other reason they con- Surveyors to have power to inspect. (Ibid, sec. 306.)

sider it necessary so to do, to require the ship to be taken into dock for the purpose of surveying the hull thereof; and any person who hinders any such surveyor from going on board any such steam ship, or otherwise impedes him in the execution of his duty under this Ordinance, shall incur a penalty not exceeding twenty-five dollars.

Governor to regulate mode of survey. (*Ibid.*, sec. 307.)

6. The said surveyors shall execute their duties under the direction of the Governor, and the Governor shall make regulations as to the manner in which the surveys hereinafter mentioned shall be made, and as to the notice to be given to the surveyors when surveys are required, and as to the amount and payment of any other expenses incurred by such surveyors in the execution of their duties, and may thereby determine the person by whom and the conditions under which such payment shall be made.

Penalty on surveyors receiving fees unlawfully. (*Ibid.*, sec. 308.)

7. Every surveyor who demands or receives directly or indirectly from the owner or master of any ship surveyed by him, under the provisions of this Ordinance, any fee or remuneration whatsoever for or in respect of such survey, otherwise than as the officer and by the direction of the Governor, shall incur a penalty not exceeding two hundred and fifty dollars.

Owners to have surveys made by shipwright and engineer-surveyors, and surveyors to give declarations. (*Ibid.*, sec. 309.)

8. The owner, agent, or master of every steam ship or vessel propelled by steam being within the waters of the Colony shall, where such ship or vessel comes within the meaning of this section, cause the same to be surveyed by one of the shipwright-surveyors and by one of the said engineer-surveyors so appointed as aforesaid; such shipwright-surveyor being, in the case of iron steamers, a person who is, in the judgment of the Governor, properly qualified to survey such ship; and such surveyors shall thereupon, if satisfied that they can with propriety do so, give to such owner declarations as follows:—

(a.) The declaration of the shipwright-surveyor shall contain statements of the following particulars with reference to sea-going ships, that is to say:—

- (1.) That the hull of the ship is sufficient for the service intended and in good condition;
- (2.) That the partitions, boats, rafts, life buoys, or other appliances for saving life, lights, signals, compasses, and shelter for deck passengers, and the certificates of the master and mate or mates, are such, and in such condition as required by this Ordinance;
- (3.) The time (if less than twelve months) for which the said hull and equipments will be sufficient;
- (4.) The limits (if any) beyond which, as regards the hull and equipments, the ship is not fit to ply;

- (5.) With reference to all ships or vessels, whether sea-going or not, if plying or intended to ply for hire, the number of passengers which such ship or vessel is, in the judgment of the surveyor, fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, and in the different parts of the deck and cabins; such numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the Governor in Council may, from time to time, direct by any Regulation to be made by him for this purpose, and until such Regulations are made and so far as the same shall not extend, according to the Regulations contained in table *E* in the schedule hereunto annexed.

(b.) And the declaration of the engineer-surveyor shall contain statements of the following particulars, that is to say:—

- (1.) That the machinery of the ship or vessel is sufficient for the service intended, and in good condition;
- (2.) The time (if less than twelve months) for which such machinery will be sufficient;
- (3.) That the safety valves and fire hose, when requisite, are in such condition as are required by this Ordinance;
- (4.) The limit of the weight to be placed on the safety valves;
- (5.) The limit (if any) beyond which, as regards the machinery, the ship or vessel is, in the surveyor's judgment, not fit to ply;

And such declarations shall be in such form as the Governor directs.

Transmission of declarations to the Governor.

9. The said owner, agent, or master shall transmit such declarations to the Governor within fourteen days after the dates of the receipt thereof respectively; and in default, shall forfeit a sum not exceeding two dollars for every day that the

sending of such declarations is delayed; and such sum shall be paid upon the delivery of the certificate hereinbefore mentioned in addition to the fee payable for the same, and shall be applied in the same manner as such fees. Penalty for delay. (Ibid, sec. 310.)

10. Upon the receipt of such declaration, the Governor shall, if satisfied that the provisions of this section have been complied with, cause a certificate in duplicate to be prepared and issued to the effect that the provisions of the law with respect to the survey of the ship and the transmission of declarations in respect thereof have been complied with, and such certificate shall state the limits (if any) beyond which, according to the declarations of the surveyors, such ship is not fit to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the shipwright-surveyor, such ship is fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, such number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried and other circumstances, as the case requires. Governor to issue certificate. (Ibid, sec. 310.)

11. The Governor shall transmit such certificate in duplicate to the Harbour Master, who shall deliver the same to the owner, master, or agent on his applying and paying the fee and other sums (if any) herein mentioned as payable in that behalf. Issue and transmission of certificates. (Ibid, sec. 313.)

12. The owner, agent, or master of every steamer requiring a certificate under this section, shall pay for every certificate granted by the Governor the fees mentioned in the table marked C in the schedule hereto. Fees to be paid for certificate. (Ibid, sec. 314.)

13. No certificate shall be held to be in force for the purposes of this section beyond a period of twelve months; and no certificate shall be in force after notice is given by the Governor to the owner, agent, or master, of the ship to which the same relates, that he has cancelled or revoked the same. How long certificates to continue in force. (Ibid, sec. 315.)

14. The Governor may revoke and cancel such certificates in any case in which he has reason to believe:— Governor may cancel certificates, and require fresh declarations. (Ibid, sec. 316.)

(a.) That the declarations of the sufficiency and good condition of the hull, equipments, and machinery of any steamer or vessel, or either of them, have been fraudulently or erroneously made, or;

(b.) That such certificate has otherwise been issued upon false or erroneous information, or;

(c.) That since the making of such declarations, the hull, equipments, or machinery of such ship or vessel have sustained and injured, or are otherwise insufficient:

And in every such case the Governor may, if he thinks fit, require the owner, agent, or master, to transmit a new declaration or declarations of the sufficiency and good condition thereof, before re-issuing any certificate, or granting a fresh one in lieu thereof.

15. The owner or master of every such steam ship, or vessel propelled by steam, shall forthwith, on the transmission of any such certificate as aforesaid to him or his agent, cause one of the duplicates thereof so transmitted to be put up in some conspicuous part of the ship, so as to be visible to all persons on board the same, and shall cause it to be continued so put up so long as such certificate remains in force and such ship is in use; and in default, such owner or master shall, for every offence, incur a penalty not exceeding fifty dollars. Copy of certificate to be placed in conspicuous part of ship. (Ibid, sec. 317.)

16. Every person who knowingly and wilfully makes, or assists in making, or procures to be made a false or fraudulent declaration or certificate with respect to any steamer requiring a certificate under this section, shall be guilty of a misdemeanour, and on conviction thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years with or without hard labour. Forgery of declaration or certificate a misdemeanour. (Ibid, sec. 320.)

17. The said surveyors shall, from time to time, make such returns to the Governor as he requires with respect to the dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of the ship surveyed by them; and every owner, master and engineer of any such ship shall, on demand, give to such surveyors all such information and assistance within his power as they require for the purpose of such returns; and every such owner, master, or engineer who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance, shall be liable to a penalty not exceeding twenty-five dollars. Surveyors to make returns of the build and other particulars of steam ships, and owners and masters to give information for that purpose. (Ibid, sec. 321.)

Penalties for carrying Passengers in excess of the Numbers allowed by Certificate.

VI. The master of any ship carrying more than ten passengers (except such ship come within the operation of "The Chinese Passenger's Act, 1855") shall, upon application to the Harbour Master for a port clearance, state the number of passengers he proposes to carry in the then projected voyage; and if such number Harbour Master may refuse clearance to ship carrying more passengers

than allowed by certificate. shall be in excess of the proportion to tonnage contained in table E of the schedule hereunto annexed, the Harbour Master may refuse a port clearance to such ship. Any Master wilfully misrepresenting the number of passengers so about to be carried shall be liable to a penalty not exceeding two hundred and fifty dollars.

Penalty for taking more passengers than allowed by certificate. 2. Any master of any such ship who shall, after having obtained such port clearance, wilfully take or receive on board such vessel any number of passengers greater than that allowed by the said port clearance, shall, on conviction, be subject to a penalty not exceeding two hundred dollars in addition to a penalty of five dollars for every such passenger in excess of the number permitted to be carried by the said port clearance; and the master of any ship proceeding to sea without a port clearance shall be liable to a penalty not exceeding five hundred dollars.

Governor may prohibit conveyance of deck passengers. 3. It shall be lawful for the Governor in Council to prohibit the conveyance of deck passengers by any ship.

Penalty on ship entering waters of the Colony without sufficient accommodation for passengers. 4. If any ship, shall enter the waters of the Colony and ship or discharge passengers or cargo, having on board a greater number of passengers than can be so accommodated as to give to each passenger at least the amount of space hereunder stated, the master thereof shall be liable to a penalty not exceeding five hundred dollars.

Steam-ships under 50 tons.

Steam vessels under 50 tons not to carry passengers for hire without licence. VII. It shall not be lawful for any steam vessel of less than fifty tons burden to carry passengers for hire within the waters of the Colony, or to any place outside the waters of the Colony, unless she has obtained a licence as hereinafter provided.

The Harbour Master to issue licences. 2. The Harbour Master may issue to steam vessels of less than fifty tons burden licences for carrying passengers upon the conditions prescribed by such regulations as are contained in table of the schedule hereunto annexed.

Regulations. 3. The regulations contained in the said table shall continue in force until altered or repealed as hereinafter provided.

Alteration or repeal of regulations. 4. The Governor in Council may, from time to time, alter, amend, or repeal the said regulations or any of them, and may make other regulations as occasion requires. Every new regulation and every alteration, amendment, or repeal of an existing regulation shall be published in the *Gazette*, and after such publication shall have the force of law.

Penalty for carrying passengers in excess of the licence. 5. If any steam vessel licensed under this Ordinance carries within the waters of the Colony more passengers than her licence allows, the owner or master thereof shall be liable to a penalty not exceeding fifty dollars.

Penalty for unlicensed steamer arriving with excessive number of passengers. 6. If any unlicensed steam vessel of less than fifty tons burden arrives in the waters of the Colony carrying more passengers in proportion to her size than she would be licensed to carry under the regulations for the time being in force under this section, the master thereof shall be liable to a penalty not exceeding one hundred dollars.

Steamers to exhibit lights. 7. Every steam vessel, whether licensed or not, of less than fifty tons burden shall, when under way between sunset and sunrise, exhibit a green light on the starboard bow and a red light on the port bow and a bright light at least ten feet above the coloured lights; and every such steam vessel shall, when at anchor between sunset and sunrise, exhibit a bright light at least 10 feet above the gunwales.

Offences against regulations. 8. Any person offending against the provisions of this section, or against the regulations in force for the time being under this section, shall be liable, on conviction thereof, to a penalty not exceeding fifty dollars.

River Steam-ships.

Steamers leaving Hongkong, Macao, or Canton only allowed to carry a limited number of passengers. VIII. If any steam-ship shall leave the waters of the Colony of Hongkong for Canton, or for any place on the Canton river, or for Macao, having on board a greater number of passengers than in the proportion of one passenger for every two tons of the registered gross tonnage of such steam-ship, the owner or master thereof, shall be liable to a penalty not exceeding two hundred and fifty dollars, in addition to a penalty of five dollars for every passenger on board in excess of the proportion of one passenger for every registered two tons (gross) of the said steam-ship.

Steamers from Canton and Macao allowed to fetch only a limited number of passengers to Hongkong. 2. If any steam-ship shall enter the waters of the Colony of Hongkong, having passengers on board, from Canton or from places on the Canton river, or from Macao, in excess of the proportion of one passenger for every two tons of the registered gross tonnage of such steam-ship, the owner or master thereof, shall be liable to a penalty not exceeding two hundred and fifty dollars, in addition to a penalty of five dollars for every passenger on board, in excess of the proportion of one passenger for every registered two (gross) tons of the said steam-ship.

Unseaworthy Ships.

IX. Where a British ship being in any port of the Colony, is by (M.S.A. 1876, reason of the defective condition of her hull, equipment, or para. 6.) machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, ^{Power to de-} having regard to the nature of the service for which she is intended, ^{tain unsafe} any such ship (hereinafter referred to as "unsafe") may be ^{ships, and} provisionally detained for the purpose of being surveyed, and either ^{procedure for such} finally detained or released, as follows:—

- (a.) The Governor, if he has reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.
- (b.) When a ship has been provisionally detained, there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Governor may, if he thinks fit, appoint some competent person or persons to survey the ship and report to him.
- (c.) The Governor on receiving the report may either order the ship to be released, or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo as the Governor thinks necessary for the protection of human life, and may, from time to time, vary or add to any such order.
- (d.) Before the order for final detention is made, a copy of the report shall be served upon the master of the ship and within seven days after such service the owner or agent or master of the ship may appeal in the prescribed manner to the Court of Survey constituted under section of this Ordinance.
- (e.) Where a ship has been provisionally detained, the owner or agent or master of the ship at any time before the person appointed under this section to survey the ship makes such survey, may require that he shall be accompanied by such person of nautical, engineering, or other special skill and experience to be approved by the Governor as the owner or agent or master may select, and in such case, if the Surveyor or Assessor agree, the Governor shall cause the ship to be detained or released accordingly, but if they differ, the Governor may ^{of the reqt} ^{tion had not been made, and th} ^{agent a d} master shall have the like app^e ^{report of} ^{or as is} ^{on.}
- (f.) Where ^{the matter}, the Governor may at any time if he thinks it expedient refer the matter to the Court of Survey.
- (g.) The Governor may, at any time, if satisfied that a ship detained under this Ordinance is not unsafe, order her to be released either upon or without any conditions.

2. If it appears that there was not reasonable and probable (M.S.A. 1876, ^{para. 10.)} cause, by reason of the condition of the ship or the act or default ^{Liability of the} of the owner or agent, for the provisional detention of the ship, ^{Governor and} the Governor shall be liable to pay to the owner of the ship his ^{ship-owner for} costs of and incidental to the detention and survey of the ship, ^{costs and} and also compensation for any loss or damage sustained by him by ^{damages.} reason of the detention or survey.

If a ship is finally detained under this Ordinance, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Ordinance, the owner of the ship shall be liable to pay to the Governor his costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable in a summary way before any Stipendiary Magistrate for the purposes of this Ordinance the costs of and incidental to any proceeding before a Court of Survey and a reasonable amount in respect of the remuneration of the Surveyor of the Governor shall be deemed to be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under this Ordinance may be referred to the Registrar of the Supreme Court, who, on request made to him for that purpose by the Governor, shall ascertain and certify the proper amount of such costs.

An action for any costs or compensation payable by the Governor under this section shall be brought against the Attorney General in a suit instituted by the plaintiff as claimant against "The Attorney General" as defendant, and the provisions of subsections 2, 3, 4, & 5, of para. 83, chapter XIVth of the Hongkong Code of Civil Procedure shall apply to such suit.

3. Where a complaint is made ^{such suit} that a British (M.S.A. 1876, ^{para. 11.)} ship is unsafe, he may, if he thinks fit, require the ^{complainant to} ^{Power to re-} give security to his satisfaction for the costs and ^{quire from} which he may become liable to pay as hereinafter men ^{complat} ^{securit} ^{costs}

Provided that where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not, in the opinion of the Governor, frivolous or vexatious, such security shall not be required, and the Governor shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Ordinance.

(M.S.A. 1876, para. 11.)
Supplementary provisions as to detention of ships.

4. An order for the detention of a ship provisional or final and an order varying the same, shall be served as soon as may be on the master of the ship.

- (a.) When a ship has been detained under this Ordinance, she shall not be released by reason of her British register being subsequently closed.
- (b.) For the purposes of a survey under this Ordinance, any person authorised to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.
- (c.) The provisions of the "Merchant Shipping Act, 1854," with respect to persons who wilfully impede an Inspector, shall apply as if those provisions were herein enacted, with the substitution for the Inspector of any member of the Court of Survey, Assessor, or Surveyor, who, under this Ordinance, has the same powers as an Inspector has authority to survey a ship.

Foreign Ships, Overloading.

(M.S.A. 1876, para. 13.)
Application to foreign ships of provisions as to detention.

X. Where a foreign ship has taken on board all or any part of her cargo at a port in the Colony, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Ordinance with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

- (a.) A copy of the order for the provisional detention of the ship shall be forthwith served on the Consular Officer for the State to which the ship belongs.
- (b.) Where a ship has been provisionally detained, the Consular Officer, on the request of the owner or agent or master of the ship, may require that the person appointed by the Governor to survey the ship shall be accompanied by a person as the Consular Officer may select, if the Surveyor and such person agree, to be released unconditionally; but, nevertheless, the Governor may act as if the requisition had not been made, and the owner or agent and master shall have the appeal to the Court of Survey touching the report of the Surveyor which is before provided by this Ordinance; and
- (c.) Where the owner or agent or master of the ship appeals to the Court of Survey, the Consular Officer, on the request of such owner or master, may nominate any competent person or persons to be a member or members of the Court of Survey, not exceeding two.

In this Section the expression "Consular Officer" means any Consul-General, Vice-Consul, Consular Agent, or other Officer recognised by the Governor as a Consular Officer of a foreign State.

Sending Unseaworthy Ships to Sea.

(M. S. A. 1871, sec. 11.)
Sending unseaworthy ship to sea a misdemeanor.

XI. Every person who sends or attempts to send, or is a party to sending or attempting to send a British ship to sea in such unseaworthy state that the life of any person is likely to be endangered, shall be guilty of a misdemeanor unless he proves that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof, he may give evidence in the same manner as any other witness.

2. Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanor, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof, he may give evidence in the same manner as any other witness.

3. A prosecution under this section shall not be instituted except with the consent of the Governor.

4. A misdemeanor under this section shall not be punishable upon summary conviction.

Dangerous Goods.

XII. If any person sends or attempts to send by, or not being master or owner of the vessel, carries or attempts to carry in any vessel, British or foreign, any dangerous goods, that is to say:—aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped, or taking the same on board the vessel, he shall, for every such offence, incur a penalty not exceeding five hundred dollars: Provided that if such person show that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty which he incurs shall not exceed fifty dollars.

Restrictions on carriage of dangerous goods. (M. S. A. 1873, sec. 23.)

2. If any person knowingly sends, or attempts to send by, or carries, or attempts to carry in any vessel, British or foreign, any dangerous goods, or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, he shall incur a penalty not exceeding two thousand and five hundred dollars, to be recovered in a summary way before two Stipendiary Magistrates sitting together.

Penalty for misdescription of dangerous goods. (Ibid, sec. 24.)

3. The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.

Power to refuse to carry goods suspected of being dangerous. (Ibid, sec. 25.)

4. Where any dangerous goods as defined in paragraph 1 of this section, or any goods which, in the judgment of the master or owner of the vessel, are of a dangerous nature, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause such goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any Court.

Power to throw overboard dangerous goods. (Ibid, sec. 26.)

5. Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, and any such goods have been sent or carried, or attempted to be sent or carried, under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for two Stipendiary Magistrates sitting together to declare such goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited shall be disposed of as the Court directs.

Forfeiture of dangerous goods imported. (Ibid, sec. 27.)

6. The Court shall have and may exercise the aforesaid powers of forfeiture and disposal, notwithstanding that the owner of the goods have not committed any offence under the provisions of this section relating to dangerous goods, and be not before the Court, and have not notice of the proceedings, and notwithstanding that there be no evidence to show to whom the goods belong; nevertheless the Court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before the same are forfeited.

The Court may proceed in absence of the owners.

7. The provisions of this section relating to the carriage of dangerous goods shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorize that any person be sued or prosecuted twice in the same matter.

Saving as to dangerous goods Ordinance. (Ibid, sec. 28.)

CHAPTER III.

MARINE COURTS AND COURTS OF SURVEY.

XIII. It shall be lawful for the Governor, from time to time and whensoever occasion shall arise or require, by Warrant under his hand and seal of the Colony, to form a Court, which shall be called "The Marine Court;" and such Court shall consist of not more than five or less than three members, of whom one shall be a Stipendiary Magistrate, and one, if possible, a Commissioned Officer in the Royal Navy, and the remainder masters of the mercantile marine, or such persons of nautical, engineering or other special skill or knowledge as the Governor may think fit to appoint.

Constitution of Marine Court. (See Ordinance 11 of 1860, sec. 1.)

- Unofficial members of Court to be remunerated. 2. Each of the unofficial members of such Court shall be paid, out of the Colonial Treasury, the sum of \$5 a day, during each day that the Court shall hold its sitting.
- Cases where inquiries are to be instituted. 3. In any of the following cases, that is to say:—
 (a.) Whensoever any charge of incompetency or misconduct shall be brought by any person against any master, mate, or engineer of a British ship;
 (b.) Whenever any ship is lost, abandoned, stranded, or materially damaged on or near the coasts of the Colony;
 (c.) Whenever any ship causes loss or material damage to any other ship, on or near such coasts;
 (d.) Whenever by reason of any casualty happening to, or on board of any ship, on or near such coasts, loss of life ensues;
 (e.) Whenever any such loss, abandonment, stranding, damage, or casualty happens elsewhere, and any competent witness thereof, arrive at, or be found at, any place in the said Colony;
 (f.) Whenever a British ship has been lost, or is supposed to be lost, and any evidence can be obtained in the Colony as to the circumstances under which she proceeded to sea or was last heard of;
- Powers of Court. It shall be lawful for the Court to hear and inquire into any such charge of incompetency or misconduct, and to make inquiry respecting such loss, abandonment, stranding, damage, or casualty, and for such purposes, it shall have the powers given by the first part of "The Merchant Shipping Act, 1854," to Inspectors appointed by the Board of Trade, and the powers given by section XXIII of "The Merchant Shipping Act Amendment Act, 1862," and the Court shall, in all things, be governed by the rules provided by the said last mentioned section.
- (M.S.A. 1854, para. 24.) 4. Every master or mate or engineer whose certificate is or is to be suspended or cancelled in pursuance of this Ordinance shall, upon demand of the Court, deliver his certificate to the Court, or if it is not demanded by the Court, deliver it to the Governor or as he directs, and in default shall, for each offence, incur a penalty not exceeding two hundred and fifty dollars,—but no certificate shall be suspended or cancelled until such suspension or cancellation shall have been approved by the Governor.
- Rules as to procedure, fees, &c. (M.S.A. 1876, para. 30.) 5. The Governor in Council may, from time to time, make and when made revoke, alter and add to general rules for carrying into effect the enactments relating to formal investigation into shipping casualties and in particular with respect to the procedure, the parties, the persons allowed to appear, the notice to be given to parties and persons, and the application of fees.
6. All such rules while in force shall have effect as if enacted by this Ordinance.
7. Every formal investigation into a shipping casualty shall be conducted in such a manner that if a charge is made against any person that person shall have an opportunity of making a defence.
- Constitution power and procedure of Court of Survey. (M.S.A. 1876, para. 7 & 8.) 8. The Court shall also be a Court of Survey, and when sitting as a Court of Survey the following provisions shall have effect:—
 (a.) The case shall be heard in open Court.
 (b.) Each member of the Court may survey the ship and shall have for the purposes of this section all the powers of an Inspector appointed by the Board of Trade under the "Merchant Shipping Act, 1854."
 (c.) The Court may appoint any competent person or persons to survey the ship and report thereon to the Court, and such person or persons in case of disagreement to be appointed by a majority of the members.
 (d.) The Court shall have the same power as the Governor has to order the ship to be released or finally detained, but unless a majority of the members of the Court concur in an order for the detention of the ship, the ship shall be released.
 (e.) The owner or agent and master of the ship and any person appointed by the owner or agent or master, may attend at any inspection or survey made in pursuance of this section.
- Rules for procedure of Court of Survey, &c. (M.S.A. 1876, para. 9.) 9. The Governor in Council may, from time to time, make and when made revoke, alter and add to general rules to carry into effect the provisions of this Ordinance with respect to a Court of Survey, and in particular with respect to the summoning of and procedure before the Court, the requiring on an appeal security for costs and damages, the amount and application of fees and the publication of the rules.
10. All such rules, while in force, shall have effect as if enacted in this Ordinance, and the expression "prescribed" in the provisions of this Ordinance relating to the detention of ships or Court of Survey means prescribed by such rules.

11. The Court may also exercise the following further powers:—
- (a.) It may, if unanimous that the safety of the ship or crew, or the interest of the owner, absolutely requires it, supersede the master of any British ship then being within the waters of the Colony, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if within the Colony;
 - (b.) It may discharge any mate, engineer, or seaman from his ship;
 - (c.) It may order the wages of any mate or engineer so discharged, or any part of such wages to be forfeited, and may direct the same to be retained by way of compensation to the owner.

12. Each member of the Court shall either sign the Report made on any investigation under this section, or report to the Governor his reasons for dissent therefrom.

13. The Court may make such order with respect to the costs of any such investigation as they think fit, and such costs shall be paid accordingly, and shall be recoverable in the same manner as costs in summary proceedings before any Police Magistrate.

14. Nothing in this section contained shall be deemed to affect in any way the jurisdiction of the Vice-Admiralty Court of Hongkong.

Appeal on refusal of certain Certificates to Ships.

- XIV. If a ship-owner feels aggrieved,—
- (a.) By a declaration of a Shipwright Surveyor, or an Engineer Surveyor under sub-section 8 of section VI, of this Ordinance, or by the refusal of a Surveyor to give the said declaration, or
 - (b.) By the refusal of a certificate of clearance for an emigrant ship under the "Chinese Emigration Consolidation Ordinance, 1874," or
 - (c.) By the refusal of a certificate of clearance under this Ordinance,—

the owner, charterer, or agent may appeal in the prescribed manner to the Court of Survey.

2. On such appeal, the Court of Survey shall report to the Governor on the question raised by the appeal, and the Governor, when satisfied that the requirements of the report and the provisions of the enactments have been complied with, may give the certificates required.

3. Subject to any order of the Court, the costs of and incidental to an appeal under this section shall follow the event.

4. Subject as aforesaid, the provisions of this Ordinance with respect to the Court of Survey and appeals thereto, so far as consistent with the tenour thereof shall apply to the Court of Survey when sitting under this section, and to appeals under this section.

5. Where the survey of a ship is made for the purpose of a declaration or certificate under the said enactments, the person appointed to make the survey shall, if so required by the owner, charterer, or agent, be accompanied on the survey by some competent person appointed by the owner, charterer, or agent, to be approved by the Governor, and in such case, if the said two persons agree, there shall be no appeal to the Court of Survey in pursuance of this section.

CHAPTER IV.

BOARD OF EXAMINERS.

XV. Examination shall be instituted for persons who intend to become masters, engineers, or mates of foreign going ships, or who wish to procure certificates of competency hereinafter mentioned.

2. The Governor in Council may, from time to time, lay down rules as to the conduct of such examinations, and as to the qualifications of the applicants, and such rules shall be strictly adhered to by all examiners.

3. Whenever any person shall be desirous to obtain a certificate of competency as master, mate, or engineer in the mercantile marine, he shall give notice in writing to that effect to the Harbour Master, who shall forward the same to the Governor.

4. It shall thereupon be lawful for the Governor to constitute and appoint a board of examiners to inquire into the competency of such applicant, and such board shall consist of three members, one of whom shall be the Harbour Master, and the remaining two shall be either or both Commissioned Officers in the Royal Navy, or Masters, or duly qualified Engineers in the mercantile marine.

Harbour Master to summon board and notify applicant.

5. Upon such appointment being notified to the Harbour Master, he shall summon the other members of the said board to attend at the Harbour Master's office for the purpose of examining the said applicant, at a day and at an hour to be named in such summons, (such day not to be more than seven days after the date of such summons); and shall also notify the applicant to attend accordingly.

Fee to be paid by applicant.

6. Every applicant for a certificate of competency shall, upon lodging his application, pay to the Harbour Master a fee, if for a master's or first class engineer's certificate, of twenty dollars, and if for any other certificate, of ten dollars.

Fees to members of board.

7. Every member of the board, except the Harbour Master, shall be entitled to receive from the funds of the Colony a fee of five dollars for the examination of each applicant.

Certificate to be given to successful candidates.

8. Any applicant who shall have passed a satisfactory examination, and shall have given satisfactory evidence of his sobriety, experience and general good conduct on board ship, shall be entitled to receive a certificate of competency signed by the members of the board to the effect that he is competent to act as master, as first, second or only mate, or as first or second engineer.

Report of result of examination to be made to Board of Trade. [M.S.A. para. 140.]

9. The result of every such examination shall be reported to the Board of Trade by the Harbour Master.

CHAPTER V.

SHIPPING AND DISCHARGE OF SEAMEN.

Masters, mates and engineers to possess certificates. [Ordinance I of 1862, sec. 5.]

XVI. The name of a master, first, only or second mate, or first or second engineer shall not be attached to the register, or articles of agreement, of any British ship, or to any ship registered under section III of part I of this Ordinance, unless such master, mate, or engineer shall possess a certificate of service or competency issued by the Board of Trade or by the proper authority in any British Possession.

No British ship to proceed to sea without certificate of the master and mate. [See M. S. A. 1854, sec. 136.]

2. No British or Colonial ship shall leave the waters of the Colony unless the master thereof, and the first and second or only mate have obtained and possess valid certificates of competency or service appropriate to their several stations in such ship, or of a higher grade, and no such ship if of one hundred tons burden or upwards, shall leave the waters as aforesaid, unless at least one officer, besides the master, has obtained, and possesses a certificate of service or competency of or to a higher grade.

Steam-ships to carry certificated engineers. [See M. S. A. 1862, sec. 5.]

3. Every British or Colonial steam-ship of one hundred nominal horse power or upwards, leaving the waters of the Colony shall have as its first and second engineers, two certificated engineers, the first possessing a "first class engineer's certificate," and the second possessing a "second class engineer's certificate," or a certificate of the higher grade, and every British or Colonial steam-ship of less than one hundred nominal horse power shall have as its only or first engineer, an engineer possessing a "second class engineer's certificate" or a certificate of the higher grade.

[M.S.A. 1854, para. 136. M.S.A. 1862, para. 50 s. 5.]

4. Every person who having been engaged in any of the capacities mentioned in sub-sections 2 and 3 in any such ship as aforesaid goes to sea in that capacity without being at the time entitled to and possessed of such certificate as is required by this section, and every person who employs any person in any of the above capacities in such ship without ascertaining that he is at the time entitled to or possessed of such certificate as is required by this section, shall, for each such offence incur a penalty not exceeding two hundred and fifty dollars.

Shipping of seamen. (Ord. 6 of 1852, sec. 5.)

5. No seaman shall, except with the Harbour Master's sanction, be shipped to do duty on board any merchant ship whatever elsewhere than at the office of the Harbour Master, who shall charge for every seaman shipped, a fee of one dollar, such fee to be paid, in the first instance, by the master of the ship shipping such seaman; and such master shall deduct the same from the wages of the seaman shipped; and the Harbour Master shall require such seaman to lodge with him his certificate of discharge from the last ship, and failing the production of such certificate, such seaman shall be bound to give satisfactory explanation to the Harbour Master of the cause of the non-production thereof.

Master shall give to seaman discharged in Colony certificate of discharge, and, if required, an account of wages. [M.S.A. para. 2.]

6. Whenever any seaman shall be discharged from any ship within the Colony, the master of such ship shall give, at the time of such discharge, to such seaman a written certificate of discharge, specifying the time and nature of service, and the time of discharge of such seaman, signed by himself; and if such seaman require it, shall further give him, within twenty-four hours after demand, a true account in writing of the wages of such seaman, and of all deductions therefrom.

of his office, for the convenience of masters of ships requiring men, and shall also post in a similar manner, if required so to do, such notices for the supply of men by masters of ships as the said masters shall furnish.

Masters and mates may board and lodge elsewhere, than in such houses. (*Ibid*, sec. 9.)

4. Nothing in this section contained shall prevent masters, mates, or engineers of ships from boarding or lodging elsewhere than at a licensed boarding-house.

No seaman shipped under this Ordinance shall, during the term for which he is shipped, be liable to arrest on civil process, in certain cases. (*Ibid*, sec. 10.)

5. No seaman, except mates or engineers, who shall have been actually shipped by the Harbour Master, or his deputy, on board any vessel in compliance with this Ordinance, shall, during the time for which he is then shipped, be liable to be arrested on civil process, unless the debt or demand shall exceed the sum of five hundred dollars: Provided always, that by the term seaman in this paragraph shall be meant only a person who has, within the space of one year previously, served on board a ship for wages as a seaman, and that the protection from arrest hereby granted shall not be held to extend to any person not coming within such definition, nor in any case to masters, mates, or engineers.

CHAPTER VII.

HEALTH OF SEAMEN.

Keepers of licensed boarding-houses for seamen to furnish Harbour Master with weekly lists of the seamen resident in their houses, and report their state of health. Diseased seamen to be removed to a Hospital. (Ordinance 10 of 1867, sec. 1.)

XVIII. Every keeper of a licensed boarding-house for seamen, in the list of seamen resident in his house, which he is required to furnish to the Harbour Master, shall report as to the state of health of each seaman, so far as he may be able to ascertain the same; and every seaman who may be reported, or may be otherwise discovered, to be affected with a contagious disease, shall be removed by warrant under the hand of the Harbour Master to a hospital, where he shall be kept until he be, by the Visiting Surgeon thereof, discharged as cured, and shall have obtained from such Visiting Surgeon a certificate of his having been so discharged, which certificate he shall produce and show to the Harbour Master when required so to do; and the expenses which may be incurred in and about the maintenance and treatment of any such seaman in such hospital, shall be a debt due to the Crown, and shall be paid by such seaman; or, in case of the keeper of the boarding-house, if he be proved to have made a false report as to the state of health of such seaman, then such expenses shall be paid by such boarding-house keeper, in case it shall appear to, and be certified by, the Visiting Surgeon of the hospital to which such seaman may be removed, that the disease with which he may be affected is of such a nature as that the keeper of the boarding house could, with ordinary and reasonable observation, have ascertained its existence; and in all cases, such expenses shall, in case of non-payment, be sued for and recovered by the Harbour Master on behalf of the hospital.

Penalty for offering any obstruction to removal to Hospital. (*Ibid*, sec. 64.)

2. If any seaman affected with a contagious disease, and reported so to be by the keeper of the boarding-house in which such seaman may be residing, shall refuse or offer any hindrance or obstruction to his removal to a hospital; or having been removed to a hospital, shall attempt to leave the same before he shall be properly discharged cured; or having been discharged cured, shall refuse to produce his certificate of discharge when required by the Harbour Master authorised to demand the same; or being affected with a contagious disease, shall neglect or refuse to inform the keeper of the boarding-house in which he may be residing,—then, and in every such case, such seaman so offending shall be liable to a fine not exceeding twenty-five dollars, or to imprisonment with or without hard labour, for any term not exceeding one month.

Masters of ships before shipping seamen may require them to undergo medical inspection. (*Ibid*, sec. 65.)

3. The master of any merchant ship, before shipping any seaman, may require that such seaman shall be inspected by the Colonial Surgeon, by notice in writing to that effect, addressed to the Harbour Master or a Visiting Surgeon appointed in pursuance of this section, and the Colonial Surgeon or such Visiting Surgeon upon such inspection shall give a certificate under his hand as to the state of health of such seaman, which certificate such seaman shall produce and show to the master of the ship in which he may be about to serve; and for every certificate, there shall be paid the fee of fifty cents, to be paid by the master or agent of the ship in case such seaman should prove to be in sound health, and by the seaman himself, or the boarding-house keeper with whom he shall be residing, in case he shall prove to be affected with any contagious disease.

CHAPTER VIII.

MEDICINES AND MEDICAL STORES.

XIX. This chapter applies to all British or Colonial ships, other than those already provided with medicines and medical stores under the provisions of "The Merchant Shipping Act, 1867," or of any legislative enactment or regulations in force in any British possession, or holding special exemption under the hand of the Governor.

2. The owners, agents, or master of every such ship navigating between this Colony and any place out of the same, shall cause to be kept on board such ship a supply of medicines and medical stores in accordance with the scale appropriate to such ship as laid down in the published scales of medicines and medical stores issued by the Board of Trade, and also a copy of the book or books issued by the said Board containing instructions for dispensing the same pursuant to paragraph 1 of section 4 of "The Merchant Shipping Act, 1867."

3. No lime or lemon juice shall be deemed fit and proper to be taken on board any such ship for the use of the crew or passengers thereof, unless the Health Officer has approved of the same; nor unless the same contains fifteen per centum of proper and palatable proof spirits to be approved by the Health Officer, or by some person appointed by him for that purpose, and to be added immediately before or immediately after the inspection thereof; nor unless the same is packed in such bottles, at such time and in such manner as the Health Officer may direct.

4. The master, owner, or agent of any such ship who shall wilfully neglect or refuse to provide, pack, or keep on board such medicines, medical stores, books of instructions, lime or lemon juice, sugar or anti-scorbutics as are by this section required, shall be guilty of a misdemeanour, and shall, upon summary conviction before any Stipendiary Magistrate, be liable to a penalty not exceeding five hundred dollars.

5. The provisions of this section, so far as the same refer to lime, lemon juice and anti-scorbutics, shall have the same force and effect as the regulations provided for by "The Merchant Shipping Act, 1867," section 6.

CHAPTER IX.

DESERTION AND OTHER OFFENCES OF SEAMEN.

XX. If any seaman belonging to the crew of any ship, or foreign, shall desert therefrom, or otherwise abscond, or abscond himself from his duty while such ship or vessel is within the waters of the Colony, or may be lawfully on board the ship, or for any one specially deputed by such master or person in charge, to arrest such seaman without warrant and convey him before a Justice of the Peace; and in case such seaman shall refuse to return to his duty on board the said ship, or shall not give a sufficient reason for such refusal, the Justice of the Peace may order such seaman to be put forcibly on board the ship to which he may belong, or to be confined in any gaol or other place of security within the Colony, for any period until he can be put on board his ship at her departure from the port, or until he shall be demanded by the master of the ship, or by the Consul of the country to which such ship may belong: Provided always, that the said period of confinement shall not, in the absence of such departure or demand, exceed three months.

2. It shall be lawful for any Stipendiary Magistrate, upon complaint of the master of such ship, to the effect that he has reasonable cause to believe that any runaway seaman belonging to the crew of any such ship is harboured, secreted, or concealed, or suspected to be harboured, secreted, or concealed on board any other ship, boat, or other vessel, or in any house or place whatsoever, to issue a warrant directing a constable to search such ship, boat, or other vessel, or such house or place, and such seaman to lodge in any or the nearest Police station; and every such seaman shall, with all convenient speed, be brought before a Stipendiary Magistrate, to be dealt with as is hereinbefore directed with respect to seamen apprehended for desertion, absconding, or absence from duty.

3. If any person whatsoever shall harbour, conceal, employ, or retain, or assist in harbouring, concealing, employing, or retaining any seaman belonging to the crew of any ship, who shall have deserted therefrom, or otherwise absconded, or absented himself from duty, while such ship or vessel is within the waters of the Colony, knowing such seaman to have deserted, absconded, or absented himself from duty, or shall cause, induce, or persuade, or endeavour to cause, induce, or persuade any such seaman, in any manner whatsoever to violate, or to attempt or endeavour to violate, any agreement which he may have entered into to serve

on board any such ship, or shall knowingly connive at the desertion, absconding, or absence from duty of any such seaman, such person so offending shall, for every such offence, upon conviction thereof, be liable to a penalty not exceeding two hundred and fifty dollars, or to imprisonment for any period not exceeding six months.

Harbour Master or deputy may require, before granting a port clearance to a ship, the master thereof to search for suspected deserters, and to make declaration of such search. Penalty for not complying with such request. (Ordinance 6 of 1852, sec. 11.)

Offences of foreign seamen. (See M. S. A., 1854, sec. 243.) Act of disobedience.

Continued disobedience.

Assault on officers.

Combining to disobey.

Expenses, by whom payable. (Ordinance 4 of 1850, sec. 5.)

Deaths, desertions, or removals of seamen, &c. to be reported. (Ordinance 1 of 1862, sec. 7.)

Penalties for forging of documents, and for false descriptions and statements. (Ordinance No. 6 of 1852, sec. 12.)

4. The Harbour Master, or person deputed by the Harbour Master for that purpose, before granting a port clearance to any ship, may, if he have reasonable grounds for belief that any deserter from a merchant vessel be concealed on board of such ship, proceed on board thereof and then and there require her master to institute due and diligent search for such deserter, and further, if he deem it necessary, require the master to make oath or solemn declaration that to the best of his knowledge and belief, after due and diligent search, no such deserter is concealed within or about his ship; and any master of a ship refusing or unnecessarily delaying to comply with such requisition, shall be liable, upon conviction, to a penalty not exceeding two hundred dollars, and to imprisonment until such fine be paid.

5. Whenever any seaman engaged in any foreign ship commits any of the following offences within the waters of the Colony, he shall be liable to be punished summarily by a Stipendiary Magistrate as follows, that is to say:—

- (a.) For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit, out of his wages, a sum not exceeding two days' pay;
- (b.) For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect either a sum not exceeding six days' pay, or any expenses which have been incurred in hiring a substitute;
- (d.) For assaulting any master or mate, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour;
- (e.) For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship, or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

Provided that when there is a Consul, Vice-Consul, or Consular Agent resident at Hongkong of the nation to which the ship belongs, the Court shall not deal with the case unless thereto requested by such officer in writing.

6. All expenses incidental to the apprehension, confinement, and removal of any seaman, under this section, shall be paid by the master of the ship to which such seaman may belong, and be recoverable from him at the suit of the Captain Superintendent of Police, as a debt due to the Government of this Colony; and the subsistence money for every such seaman confined in gaol shall be paid in advance to the keeper of the gaol, and in default of such payment, the gaoler may release such seaman: Provided that every seaman imprisoned under this chapter may be sent on board his ship prior to her departure from the waters of the Colony by direction of the Governor.

Report of Death, Desertion, &c.

XXI. In the event of the death of any of the crew, passengers, or other persons, occurring on board of any merchant vessel in the waters of the Colony, or in case of the desertion or removal of any of the crew, the master of such vessel shall forthwith report the same to the Harbour Master, under a penalty not exceeding twenty-five dollars for every death, desertion, or removal which he shall neglect to report.

Penalties for Forgery, &c.

XXII. Any seaman, or other person, who shall give a false description of his services, or show, or make, or procure to be made, any false character, or shall make false statements as to the name of the last ship in which he served, or as to any other information which may be required of him by any person having lawful authority to demand such information, shall be liable to a penalty not exceeding fifty dollars.

CHAPTER X.

DISTRESSED SEAMEN.

XXIII. All expenses which shall be incurred under the provisions of "The Merchant Shipping Act, 1854," in the relief of distressed British seamen who at the time of such relief being granted shall have last served in a British ship registered in this Colony, shall be borne by the revenue of this Colony.

Relief of seamen belonging to vessels registered in this Colony.
(Ordinance 5 of 1869, sec. 1.)

2. It shall be lawful for the Governor, from time to time, to order the payment, out of any monies forming part of, or arising from, the general revenue of the Colony, of all expenses which may be incurred in the Colony for the relief of such British seamen as aforesaid, under the provisions of the said Act or of any regulations in that behalf which may be made, from time to time, by the Governor in Council.

Governor may order payment of expenses incurred in the Colony for relief of such seamen out of monies forming part of general revenue.
(Ordinance 5 of 1869, sec. 2.)

3. It shall be lawful for the Governor, from time to time, to order the re-payment out of any such monies as aforesaid, of all sums which shall have been expended under the provisions of the said Act by the Imperial Government, or by the Government of any adjacent British Colony, or by any British Consul, Vice-Consul, or Consular Agent in any neighbouring foreign country, in and about the relief of such British seamen as aforesaid, and such sums shall be refunded in such manner as the Governor shall think fit, or as Her Majesty's Principal Secretary of State for the Colonies for the time being may direct.

Governor may order re-payment of expenses incurred elsewhere than in the Colony, in respect of such relief, out of such monies as aforesaid.
(Ordinance 5 of 1869, sec. 3.)

PART II.

REGULATION AND CONTROL OF THE WATERS OF THE COLONY AND OF VESSELS NAVIGATING THE SAME.

CHAPTER I.

REGULATIONS.

Duties of Master.

XXIV. Every master of a merchant ship shall hoist her national colours and number on entering the waters of the Colony; and shall keep such number flying until the ship shall have been

Ships to hoist their numbers.
(Ordinance 1 of 1869, sec. 3.)

2. Every such master shall, within twenty-four hours after arrival within the waters of this Colony, report the arrival of his ship at the Harbour Master's office, and in the case of a British ship, or of a ship which shall not be represented by a Consul, shall deposit there the ship's articles, list of passengers, ship's register, and true copy of manifest if required. In the case of a foreign ship represented by a Consul, the said papers shall be lodged by the master at the proper consulate. Any master offending against the provisions of this paragraph, shall incur a penalty not exceeding two hundred dollars.

Ships to be reported within 24 hours.
(*Ibid*, sec. 4.)

3. Every such master arriving in the waters of the Colony shall take up the berth pointed out by the Harbour Master, or by any person sent on board by him for that purpose, and shall moor his ship there properly, and shall not remove from it to take up any other berth, without his permission, except in case of necessity, to be decided by the Harbour Master, under a penalty not exceeding one hundred dollars; and he shall remove his vessel to any new berth when required so to do by the Harbour Master, under a fine not exceeding twenty dollars for every hour that the vessel shall remain in her old berth, after notice to remove under the hand of the Harbour Master, or his deputy, shall have been given on board of her.

Ships to be moored where ordered by the Harbour Master, and not removed therefrom without permission.
(*Ibid*, sec. 9.)

4. Every such master shall immediately strike spars, clear hawse, or shift berth, or obey any other order which the Harbour Master may think fit to give, and any master wilfully disobeying or neglecting this regulation, shall incur a penalty not exceeding two hundred dollars.

All orders by the Harbour Master to be obeyed.
(*Ibid*, sec. 10.)

5. Every such master about to proceed to sea shall hoist a blue peter twenty-four hours before time of intended departure, and shall give notice thereof to the Harbour Master, who, if there is no reasonable objection, will furnish a port clearance, and attest the manifest, if necessary; and any master having obtained such clearance and not sailing within thirty-six hours thereafter shall report to the Harbour Master his reason for not sailing, and shall re-deposit the ship's papers if required. Any master wilfully neglecting or disobeying this regulation, shall incur a penalty not exceeding fifty dollars.

Blue peter to be hoisted and port clearance to be obtained before departure.
(*Ibid*, sec. 11.)

Quarantine.

The Governor in Council may make regulations in respect of vessels arriving from infected places.

XXV. Whenever the Governor in Council has reasonable cause for believing that any country or place is infected with any infectious or contagious disease, he may make such regulations concerning vessels arriving from such country or place as he thinks necessary for preserving the public health of the Colony:

Ships arriving having contagious diseases on board to report the same. (*Ibid*, sec. 16.)

2. Every commanding officer of any ship-of-war, or master of a merchant ship of whatsoever nation who may arrive in the waters of the Colony having smallpox or any other disease of a contagious or infectious nature on board, shall hoist the proper quarantine flag, and shall hold no communication with any other vessel or boat, or with the shore, until permission be given by the Harbour Master; and the boarding officer on nearing such ship shall be informed of the nature of such disease. Any person offending against any of the provisions of this paragraph shall incur a penalty not exceeding two hundred dollars for each offence.

Ships to remove when ordered. (*Ibid*, sec. 17.)

3. Every such commanding officer of a ship-of-war, or master of a merchant ship, having any such disease on board, shall forthwith remove his ship to any berth which shall be pointed out by the Harbour Master, and there remain and keep the quarantine flag flying until a clean bill of health shall be granted by the Colonial Surgeon; and shall afford free access and render every assistance to the Colonial Surgeon or other officer of health who may be directed by the Governor to visit such ship. Any person offending against the provisions of this paragraph shall incur a penalty not exceeding two hundred dollars for each offence.

Ships arriving from port where contagious disease is prevalent to report same.

4. Every such commanding officer of a ship-of-war, or master of a merchant ship, in all cases where such ship has last touched or stayed at any port or place immediately preceding such ship's arrival in the waters of the Colony, and any contagious or infectious disease has, to such commanding officer's or master's knowledge, been prevalent at such port or place at the time of his so touching or staying there, shall report the prevalence of such disease to any health officer of the port, upon being boarded by such officer, and in default of so reporting, the same shall be liable to a penalty not exceeding two hundred dollars.

The Governor in Council may make regulations concerning vessels arriving with disease on board.

5. The Governor in Council may, from time to time, make such regulations concerning vessels arriving in the waters of the Colony with any infectious or contagious disease on board as he thinks necessary for preserving the public health of the Colony.

Regulations to have the force of law when published in the Gazette. Penalties.

6. All regulations made under this section shall be published in the *Government Gazette*, and when so published shall have the force of law, and any person offending against any such regulation shall, on conviction, by two Stipendiary Magistrates sitting together, be liable to a penalty not exceeding two thousand dollars, or to be imprisoned with or without hard labour for any period not exceeding twelve months, or at the discretion of the court, to both penalty and imprisonment as aforesaid.

Steamers' Fairway.

Steamers' fairway to be kept clear. (*Ibid*, sec. 18.)

XXVI. No vessel or boat of any description shall be allowed to anchor within any fairway, which shall be set apart by the Harbour Master for the passage of vessels, and the master of any vessel or boat dropping anchor in, or otherwise obstructing such fairway shall be liable, for each offence, to a penalty not exceeding fifty dollars.

Regulations concerning the Safety of Ships and Prevention of Accidents.

Vessels to exhibit light at night. (*Ibid*, sec. 20.)

XXVII. Every master of a ship, hulk, or other vessel, not being a boat propelled by oars, in the waters of this Colony shall, from sunset to sunrise, cause to be exhibited a bright white light from the starboard foreyard arm, or at the place where it can be best seen, and in default, shall incur a penalty not exceeding one hundred dollars.

Precaution to be taken in case of fire. (*Ibid*, sec. 21.)

2. In case of fire occurring on board any ship or vessel in the waters of the Colony, if at night three lights shall be hoisted in a vertical position at the highest *masthead*, and a single light at the *peak*, and guns shall be fired in quick succession until sufficient assistance shall be rendered; if during the day the ensign Union down with the signal NM "I am on fire" shall be hoisted at the highest *masthead* and guns fired as above provided for night time.

3. If on board any ship or vessel in the waters of the Colony a disturbance or riot shall occur which the master or his officers are unable to quell *if by day* the ensign Union down shall be hoisted at the *peak* and the signal PC "*want assistance; mutiny*" shall be hoisted at the highest *masthead* or wherever practicable under the circumstances; guns may also be fired as in paragraph 2; *if by night* three lights shall be hoisted at the *peak* and a single light at the *masthead*, and guns may also be fired as before stated.

Precautions to be taken in case of mutiny. (*Ibid.*, sec. 22.)

4. It shall be lawful for the Governor in Council to make and publish rules, and from time to time to vary the same, concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by all ships, boats, or vessels, while navigating the waters of the Colony: Provided always that the same shall not be inconsistent with, or be deemed to affect the regulations for the time being in force issued by Her Majesty by Order in Council, under the provisions of section 25 of "The Merchant Shipping Act Amendment Act, 1862."

Governor in Council may make rules to prevent accidents in the harbour.

Offences in the Waters of the Colony.

XXVIII. Every person who within the Colony or the waters thereof shall commit any of the following offences, shall be liable to a penalty of not more than fifty dollars, or to be imprisoned any term not exceeding fourteen days, with or without hard labour.

Prohibiting offences in the harbour of Hongkong. (Ordinance 14 of 1845, sec. 6.)

(a.) Every person who shall knowingly take in exchange from any seaman or other person, not being the owner or master of any vessel, anything belonging to any vessel lying in the waters aforesaid, or any part of the cargo of such vessel, or any stores or articles in charge of the owner or master of any such vessel.

Receiving goods unlawfully obtained.

(b.) Every person who shall unlawfully cut, damage, or destroy any of the ropes, cables, cordage, tackle, head-fasts, or other furniture of or belonging to any ship, boat, or vessel lying in the harbour or waters aforesaid, with intent to steal or otherwise unlawfully obtain the same or any part thereof.

Damaging furniture of ship.

(c.) Every person who for the purpose of preventing the seizure or discovery of any materials, furniture, stores, or merchandise belonging to or having been part of the cargo of any ship, boat, or vessel lying in the waters aforesaid, or of any other articles unlawfully obtained from any such ship or vessel, shall wilfully let fall or throw into the waters aforesaid, or in any other manner convey away from any ship, boat, or vessel wharf, quay, or landing place, any such article, or shall be accessory to any such offence; and it shall be lawful for any constable to take any such offender into custody and to seize and detain any boat in which such person shall be found, or out of which any article shall be so let fall, thrown, or conveyed away.

Throwing into water goods unlawfully obtained.

(d.) Every owner, or headman, or other person in charge of any boat which shall be found alongside of any public wharf or landing-place (unless while taking on board or landing passengers or cargo), or lying off the same so as to prevent the free access of other boats thereto, and the owner, headman, or other person in charge of any boat which shall be moored or at anchor at a distance of less than three hundred yards from low water mark of such parts of the Colony as may be declared by regulation, between the hours of nine o'clock at night and gunfire in the morning: Provided always, that nothing herein contained shall be construed to extend to any boat moored or at anchor alongside of any private wharf with the consent of the owner thereof.

Mooring of boats. (*Ibid.*, sec. 3, paras. 8 & 9.)

(e.) Every person who shall cast or throw any dead body, ballast, rubbish, or other substance, either from shore or from any vessel, into the waters of the Colony, or shall neglect within a reasonable time to remove any sunken vessel or other obstruction in the said harbour belonging to him or in his charge or keeping.

Obstruction of harbour by rubbish, &c.

2. Except as is hereinbefore directed by paragraphs 2 and 3 of section XXIV, or under the sanction of the Harbour Master, no cannon, gun, or fire-arm of any description shall be discharged within such portions of the waters of the Colony as the Governor may, from time to time, by regulations prescribe, from any merchant vessel or boat, under a penalty not exceeding two hundred dollars.

Fire-arms not to be used except in certain cases. (Ordinance 1 of 1862, s. 1)

Removal of Obstructions.

XXIX. The Harbour Master may, by written notice, require any person to remove from the waters of the Colony, within a reasonable time to be specified in such notice, any obstruction caused by such person or belonging to him or in his charge or keeping, and

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(See Ordinance 14 of 1845, sec. 37.) if such person fail to remove the obstruction within the specified time, the Harbour Master shall cause the obstruction to be removed, and may recover the expenses of removal from the person named in the notice.

Moorings.

Harbour Master may permit mooring to be laid down. XXX. No person shall place moorings in the waters of the Colony except with the sanction of the Harbour Master; and the Harbour Master may, upon giving such sanction, attach such conditions to the use and employment of such moorings as he shall think fit.

Powers of Police.

Superintendents and Inspectors may board vessels. (Ordinance 14 of 1845, sec. 7.) XXXI. The Captain or other Superintendent, or any Inspector of the Police force shall have power, by virtue of his office, to enter at all times, with such constables as he shall think necessary, as well by night as by day, into and upon every ship, boat, or other vessel (not being then actually employed in Her Majesty's service) lying in the waters of the Colony, and into every part of such vessel, for the purpose of inspection and upon occasion directing the conduct of any constable who may be stationed on board of any such vessel, and of inspecting and observing the conduct of all other persons who shall be employed on board of any such vessel in or about the lading or unlading thereof, as the case may be, and for the purpose of taking all such measures as may be necessary for providing against fire or other accidents, and preserving peace and good order on board of any such vessel, and for the effectual prevention or detection of any felonies or misdemeanours.

Superintendent, &c. having just cause to suspect felony, may enter on board vessels and take up suspected persons. (Ibid, sec. 8.) 2. It shall be lawful for the Captain or other Superintendent, or any Inspector, or Sergeant belonging to the Police force, having just cause to suspect that any felony has been or is about to be committed in or on board of any ship, boat, or other vessel lying in the waters of the Colony, to enter at all times, as well by night as by day, into and upon every such ship, boat, or other vessel, and therein to take all necessary measures for the effectual prevention or detection of all felonies which he has just cause to suspect to have been, or about to be committed in or upon the harbour or waters of the Colony, and to take into custody all persons suspected of being concerned in such felonies, and also to take charge of all property so suspected to be stolen.

Powers of Magistrates.

breach of chapter 17 of 1873, sec. 2.) XXXII. Where no penalty is specially attached by this chapter to the breach or infringement of any provision herein contained, the offender shall be liable to a fine of not more than twenty-

(Ordinance 1 of 1862, sec. 29.) five dollars.

CHAPTER II.

LIGHTHOUSES, BUOYS, OR BEACONS.

Interpretation clause. (Ordinance 17 of 1873, sec. 2.) XXXIII. In the construction of this chapter, the term "lighthouses" shall, in addition to the ordinary meaning of the word, include light-ships and all floating and other lights exhibited for the guidance of ships; and the terms "buoys and beacons" shall include all other marks and signs of the sea.

Power to erect lighthouses, &c. (Ibid, sec. 3.) 2. It shall be lawful for the Governor to erect and maintain within the Colony such lighthouses, buoys, or beacons as the Governor in Council shall think necessary to be exhibited for the guidance of ships.

Power to raise necessary funds by public loan. (Ibid, sec. 4.) 3. It shall be lawful for the Governor, from time to time, with the assent of the Legislative Council, to raise by way of public loan, upon the security of the general revenues of the Colony, such sums of money as may be necessary for the purposes aforesaid, and every loan so raised shall be a charge upon the said Colonial revenue.

Power to advance funds out of the Colonial Treasury. (Ibid, sec. 5.) 4. It shall be lawful for the Governor, in the meanwhile, with such assent as aforesaid, to order the payment, by way of temporary advance, out of any monies for the time being in the Colonial Treasury, of such sums of money arising from the general revenues of the Colony, as may be required for the purposes aforesaid: Provided always that all sums of money so advanced out of the general revenues of the Colony, shall be repaid into the Treasury out of the sums which may be raised by way of loan under the provisions in that behalf hereinbefore contained.

Light Dues.

dues. sec. 6.) XXXIV. The owner or master of every ship which enters the waters of the Colony, shall pay such dues in respect of the said lighthouses, buoys, or beacons as may, from time to time, be fixed by order of the Governor in Council, to such officers as the Governor shall, from time to time, appoint to collect the same, and the same shall be paid by such officers into the Colonial Treasury.

2. All British and foreign ships of war shall be exempt from the payment of light dues. Exemption of men of war. (*Ibid*, sec. 7.)

3. It shall be lawful for the Governor, by Order in Council:—
 (a.) To exempt any ships, or classes of ships, from such payment, and to annex any terms or conditions to such exemptions; Governor to allow certain exemptions. (*Ibid*, sec. 8.)

(b.) To substitute any other dues, or classes of dues, whether by way of annual payment or otherwise, in respect of any ships, or classes of ships.

4. Tables of all light dues, and a copy of regulations for the time being in force in respect thereof, shall be posted up at the office of the Harbour Master. Tables of light dues to be exhibited at Harbour Master's office. (*See* M. S. A. 1854, sec. 399.)

5. A receipt for light dues shall be given by the person appointed to collect the same to every person paying in the same, and the Harbour Master shall not grant a clearance to any ship, unless the receipt for the same is produced to him. Ship not to be cleared without production of receipt for light dues. [*See* M. S. A. 1854, sec. 400.]

6. If the owner or master fails on demand of the authorized collector to pay the light dues in respect thereof, it shall be lawful for such collector, in addition to any other remedy which he is entitled to use, to enter upon such ship, and distrain the goods, guns, tackle, or any other things of or belonging to, or on board such ship, and to detain such distress until the said light dues are paid; and if payment of the same is not made within the period of three days next ensuing such distress, he may, at any time during the continuance of such non-payment, cause the same to be appraised by two sufficient persons, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with reasonable expenses incurred by him under this section, paying the surplus (if any) on demand to the said owner or master. Power of distress for light dues. (M. S. A. sec. 401.)

7. In order to ascertain the burden of any ship liable to pay light dues under this Ordinance, the person authorized to collect such dues may require the owner, master, or other person in command of such ship, or any person having possession of the same, to produce the register of such ship for the inspection of such person; and, upon the refusal or neglect of such owner or master to produce such register, or to satisfy the person authorized to collect such dues, it shall be lawful for such person to cause such ship to be measured at the expense of the master thereof, and such expense shall be recoverable in the same manner as dues payable under this Ordinance; and such measurement shall be deemed to be the real burden of the ship, and may be treated as such for all the purposes of this Ordinance. Ship's burden to be ascertained by measurement in certain cases.

8. The master of any ship who shall attempt to depart from the waters of this Colony without paying the light dues in accordance with the provisions of this Ordinance; or, who shall refuse to have his ship measured to ascertain her burden in tons; or who shall obstruct any person in the duties of his office, shall be subject to a penalty not exceeding two hundred dollars. Penalties.

Damage to Lights, Buoys and Beacons.

XXXV. If any person wilfully or negligently commits any of the following offences, that is to say:— Penalty for injuring lights, &c. (M. S. A. 1854, sec. 414.)

- (a.) Injures any lighthouse, or the lights exhibited therein, or any buoy or beacon;
- (b.) Removes, alters, or destroys any lightship, buoy, or beacon;
- (c.) Rides by, makes fast to, runs foul of, any lightship, or buoy;

He shall, in addition to the expenses of making good any damage so occasioned, be liable to a penalty, not exceeding two hundred and fifty dollars.

Prevention of False Lights.

XXXVI. Whenever any fire or light is burnt or exhibited at such place, or in such manner, as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the Harbour Master to serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having charge of such fire or light, either personally, or by delivering at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice to direct such owner or person, within a reasonable time to be therein specified, to take effectual means for the extinguishing or effectually screening such existing light; Master may prohibit false lights. (M. S. A. 1854, sec. 415.)

and for the preventing for the future any similar fire or light, and any owner or person disobeying such notice, shall be deemed guilty of a common nuisance, and in addition to any other penalties or liabilities of any kind thereby incurred, shall be liable to a penalty not exceeding five hundred dollars.

If not obeyed, he may abate such lights. (M. S. A. 1854, sec. 416.)

2. If any owner or person served with such notice, as aforesaid, neglects for a period of twenty-four hours to extinguish or effectually screen, the light or fire therein mentioned, it shall be lawful for the Harbour Master, by his servants or workmen, to enter into the place wherein the same may be, and forthwith to extinguish such fire or light doing no unnecessary damage; and all expenses incurred by the Harbour Master in such extinction, may be recovered from such person or owner as aforesaid in the same way as penalties are hereby declared to be recoverable.

CHAPTER III.

IMPORTATION AND STORAGE OF GUNPOWDER.

Vessels, and buildings to be provided for storage of gunpowder. (Ordinance 4 of 1867, sec. 4.)

XXXVII. The Governor is hereby empowered to provide, at the expense of the Colony, all necessary vessels and buildings for the storage of gunpowder, and no gunpowder arriving in this Colony shall be stored in any other building or vessel except as provided by paragraph 10 and subject to the observance of the rules and regulations to be made under paragraph 12 of this section.

To be termed Government Depôt for the storage of gunpowder. (*Ibid*, sec. 5.)

2. Such vessels or buildings shall, for the purposes of this chapter, be termed a Government Depôt or Government Depôts for the storage of Gunpowder, and shall be under the control and management of the Harbour Master, subject to such orders as may, from time to time, be received from the Governor; and such vessels or buildings shall be fitted and manned in such manner as the Harbour Master, with the approval of the Governor, shall deem expedient.

Master of vessel having upwards of two hundred lbs. of powder on board to furnish Harbour Master with particulars immediately. (*Ibid*, sec. 6.)

3. The master of every vessel arriving in this Colony having on board thereof any quantity of Gunpowder exceeding two hundred lbs. shall, immediately upon the arrival thereof, and before the discharge from the ship of any of such Gunpowder, furnish the Harbour Master with a copy of the manifest of such gunpowder, the marks of all the packages wherein such gunpowder shall be contained, and the names of the consignees of such gunpowder, if he shall know the same.

Master of vessel to take same to specified place and there remain until he have permission to leave. (*Ibid*, sec. 7.)

4. The master of every vessel shall, as soon as possible take the same to the place which shall be pointed out to him by the Harbour Master, or his deputy, and the said vessel shall not be removed therefrom without the permission in writing of the Harbour Master.

Mode of proceeding when gunpowder is to be exported. (*Ibid*, sec. 8.)

5. When any quantity of gunpowder exceeding two hundred lbs. is about to be conveyed out of the Colony, the master of the vessel about to convey the same shall, on producing the written authority of the owners thereof, receive from the Harbour Master a permit to take on board the packages mentioned in such authority and the master of such vessel shall thereupon move the same into such anchorage as the Harbour Master may deem expedient, and from such anchorage the master of such vessel shall not remove the same except for the purpose of proceeding on his voyage or for some other sufficient cause to be approved by the Harbour Master.

Masters having more than two hundred lbs. of gunpowder on board to exhibit a flag, also when transshipping the same. (*Ibid*, sec. 9.)

6. The master of every vessel having on board more than two hundred lbs. of gunpowder, or whilst engaged in the transshipment of Gunpowder, shall exhibit a red flag at the highest masthead.

No gunpowder to be transhipped at night. (*Ibid*, sec. 10.)

7. It shall not be lawful for the master of any vessel to tranship any gunpowder between the hours of 6 P.M. and 6 A.M., from October to March inclusive nor between the hours of 7 P.M. and 5 A.M. from April to September inclusive, without the written permission of the Harbour Master.

No vessel to anchor within five hundred yards of a Government Depôt for storage of gunpowder. (*Ibid*, sec. 11.)

8. It shall not be lawful for the master of any vessel, without the written permission of the Harbour Master, to anchor such vessel within five hundred yards of any Government Depôt for the storage of gunpowder.

9. It shall not be lawful for the master of any vessel having on board gunpowder exceeding in quantity two hundred lbs., to anchor nearer than five hundred yards of any other vessel.

No master of a vessel having more than two hundred lbs. of gunpowder on board to anchor within five hundred yards of any other vessel.

(Ibid, sec. 12.)

10. It shall not be lawful for any person, without the permission in writing of the Governor, to keep for any time however short within any house, store, godown, or other place on land, a larger quantity of gunpowder than fifteen lbs.

No person to keep in any house, store, &c. more than fifteen lbs. of gunpowder.

(Ibid, sec. 13.)

11. It shall be lawful for any Justice of the Peace or Police Officer duly authorized by warrant to enter and if necessary to break into any house, store, godown, vessel, or place either on land or water within which such Justice of the Peace shall be credibly informed on oath, or shall have reasonable grounds of his own knowledge to suspect and believe that gunpowder is kept or carried on board of any vessel contrary to the provisions of this chapter.

Power to Justices to issue warrants to search.

(Ibid, sec. 14.)

12. The Governor in Council is hereby empowered to make rules and regulations for the proper carrying out the provisions of this chapter, including the storage of gunpowder on land, and to fix and vary, from time to time, the sums chargeable for the storage of gunpowder as hereinbefore prescribed, and every violation or neglect of any such rules or regulations shall render the party so offending liable to the penalties imposed by paragraph 14 of this section for offences against any provisions thereof.

Council empowered to frame rules for carrying out provisions of chapter and to fix charges.

(Ibid, sec. 16.)

13. The sums charged in respect of such storage shall be paid monthly by the party claiming to be entitled to such gunpowder, and in the event of the same not being paid within twenty-one days after the same shall have become due and payable, it shall be lawful for the Governor to direct the said gunpowder to be sold in order to defray the expense of storage, and the proceeds thereof after deducting all Government charges and the expenses of sale shall be paid to the party who shall prove himself entitled thereto to the satisfaction of the Governor.

Sums how to be paid and if not paid how to be recovered.

(Ibid, sec. 17.)

14. Every person who shall violate or refuse, or fail to comply with the provisions of this chapter, shall incur a penalty not exceeding three hundred dollars, or imprisonment for any period not exceeding six months.

Trial of offences under this chapter.

(Ibid)

15. Nothing in this chapter shall apply to Her Majesty's ships of war or to the ships of any foreign nation, or to hired armed vessels in Her Majesty's service or in the service of any foreign nation, or to any Government stores.

Government stores excepted.

(Ibid, sec. 19.)

PART III.

REGULATION OF JUNKS AND SMALL BOATS.

CHAPTER I.

LICENSING OF JUNKS.

XXXVIII. In the construction of this chapter the term "junk" shall mean every sea going Chinese or other vessel not coming within the provisions of section XXI of this Ordinance and not being a fishing boat or vessel licensed under paragraph 24 of this chapter.

Interpretation of terms:—"Junk." (Ordinance of 1866, sec. 2.)

The term "licensed junk" shall mean a junk, boat, or vessel licensed under paragraph 21 of this section to ply between the Colony and other ports.

"Licensed junk."

The term "master" of a junk shall include any person for the time being in command or charge of the same.

"Master."

2. Branch stations of the Harbour Master's office shall be maintained at such places in the Colony as the Governor may, from time to time, determine, which shall be under the superintendence and control of the Harbour Master, and shall be called "Harbour Master's Stations."

Branch stations of the Harbour Master's office.

(Ibid, sec. 4.)

3. The Harbour Master shall, with the approval of the Governor, appoint suitable anchorages for junks in the waters of the Colony to be called "anchorage for junks."

Anchorage for junks.

(Ibid, sec. 5.)

4. No junk other than a licensed junk shall (except from stress of weather) anchor at any place within the waters of the Colony other than at an "anchorage for junks."

No unlicensed junk to anchor within colonial waters except at one of the anchorages for junks.

(Ibid, sec. 8.)

Unlicensed junks to anchor in specified place. (Ibid, sec. 9.)

5. Every junk other than a licensed junk entering the waters of the Colony shall immediately proceed to and take up its berth within the limits of one of the "anchorage for junks."

Report of arrival and particulars to be furnished (Ibid, sec. 11.)

6. The master of every junk, whether licensed or not, shall, within eighteen hours after arrival within the waters of the Colony, report such arrival at the Harbour Master's office or at a "Harbour Master's station," and shall, if a licensed junk, deposit the licence thereof, and if not a licensed junk, furnish the particulars hereinafter mentioned, which shall be entered in a register kept for the purpose, that is to say:—

- (a.) Name and capacity of junk (in piculs.)
- (b.) The name, address and description of the owner or owners of such junk and of the master.
- (c.) The name, address and description of every consignee or agent, if any, of the junk and cargo in the colony.
- (d.) The description of the cargo on board, and number of the crew.
- (e.) The place from which the junk sailed on her voyage to the colony, and the date of her departure from such place, and of her arrival in the colony.
- (f.) Whether carrying any and what guns and ammunition.

Anchorage pass. (Ibid, sec. 12.)

7. Upon compliance with the provisions of the last paragraph, the master of every junk shall receive a permit to be called an "anchorage pass," and shall forthwith pay such fee for the same as is hereinafter mentioned, and in default thereof shall be liable to a penalty not exceeding ten dollars.

Junks not to remove from anchorage without clearance or special permit. (Ibid, sec. 13.)

8. No licensed junk shall leave the waters of the colony, and no other junk shall leave any anchorage for junks without a clearance or a special permit, unless the safety of the vessel (through stress of weather) shall render it necessary, and in such case, she shall return to her former anchorage when such necessity for leaving it shall have ceased.

No junk to leave at night. (Ibid, sec. 14.)

9. No junk, whether licensed or not, shall leave her anchorage between the hours of 6 P.M. and 6 A.M. from October to March inclusive, nor between the hours of 7 P.M. and 5 A.M. from April to September inclusive, without a special permit or a special clearance to be called a "night clearance."

10. The master of every junk, whether licensed or not, about to leave her anchorage, shall, eighteen hours before the time of the departure of such junk, deposit the licence thereof at the highest mast-head of such junk, and shall, in addition, be specified by the Harbour Master, and also shall give notice of such intended departure and the nature of the proposed voyage, together with particulars of cargo, arms, ammunition and other articles on board at the Harbour Master's office or station, as the case may be, at which the anchorage pass of such junk shall have been granted, and he will thereupon be furnished with a clearance in exchange for the anchorage pass of such junk, and if a licensed junk, the licence thereof will be returned to him: Provided always that in case such junk shall not leave her anchorage within twenty-four hours thereafter, the master shall report the same at the Harbour Master's office or station, as the case may be, and the reason thereof, and shall, if so required to do, return the said clearance, and if a licensed junk, also re-deposit the licence thereof.

"Special permit." (Ibid, sec. 16.)

11. The Harbour Master or the officer for the time being in charge of any Harbour Master's station may, from time to time, grant to any master of a junk a permit to be called a "special permit," which shall be a sufficient warrant or authority for the doing of any act mentioned in such permit.

Penalty for infraction of paragraphs 4 and 5. (Ibid, sec. 17.)

12. Every master of a junk who shall violate or refuse or fail to comply with the provisions of paragraphs 4 and 5, shall incur a penalty not exceeding one hundred dollars, or imprisonment with or without hard labour for any period not exceeding six calendar months.

Penalty for infraction of paragraph 6. (Ibid, sec. 18.)

13. Every master of a junk who shall refuse or fail to comply with the provisions of paragraphs 6 and 10, or shall knowingly give untrue particulars concerning the information which he is thereby required to furnish, shall incur a penalty not exceeding two hundred dollars, or imprisonment with or without hard labour for any period not exceeding six months, and it shall be lawful for the Governor, if he shall think fit, by warrant under his hand to order that any junk whereof the master has refused or failed to comply with the provisions of the said paragraph, and whether such master shall have been brought to trial and punished or not, shall quit the waters of the Colony within twelve hours from the service of such order on board of such junk, under penalty of forfeiture of such junk to the Crown.

14. Every master of a junk violating the provisions of paragraphs 8 and 9 shall incur a penalty not exceeding one hundred dollars, or imprisonment with or without hard labour for any period not exceeding twelve calendar months, and such junk and her cargo may be forfeited to the Crown.

Penalty for infraction of provisions of paragraphs 8 and 9. (*Ibid*, sec. 19.)

15. No licence, anchorage pass, clearance or special permit shall be used in respect of any junk other than the junk therein specified, or for any purpose other than the one therein mentioned, and every master of a junk who shall knowingly use or attempt to use any licence, anchorage pass, clearance or special permit which shall not have been lawfully obtained, shall be imprisoned with hard labour for any term not exceeding twelve calendar months, and every junk in respect of which a licence, anchorage pass, clearance, or special permit shall have been used or attempted to be used in violation of this paragraph may, together with the cargo thereof, and whether the master shall have been brought to trial or not, at the discretion of the Court, be forfeited to the Crown.

Penalty for unlawfully using a licence, pass, clearance, or special permit. (*Ibid*, sec. 20.)

16. Every master of a junk, vessel, or boat, bringing into the Colony, or from one part of the Colony to another, any person who shall, in the opinion of the Court before which the offence shall be tried, have come to the Colony for the purpose of mendicancy, or any person suffering from leprosy or any contagious disease, shall be liable to pay a penalty not exceeding ten dollars for every such person so brought by him as aforesaid.

Penalty for bringing mendicants into the Colony. (*Ibid*, sec. 21.)

17. It shall be lawful for any person deputed thereto by the Governor, or by the commander of any of Her Majesty's ships-of-war, or for any officer or constable of the Police force, at any time to board any junk within the waters of the Colony and demand the production of either an anchorage pass, a clearance, special permit, or licence, and in case by reason of the non-production of any one of such documents, or for any other reason, there shall be ground to believe or suspect that any provision of this chapter has been violated by the master of such junk, or in case the document produced shall appear from the date thereof, or from any other cause, to have been unlawfully obtained, or to be unlawfully used, to arrest such junk and her cargo and the master of such junk, and deliver them into the custody of the Police.

Power to board any junk and demand inspection of documents. (*Ibid*, sec. 22.)

18. No junk or cargo liable to forfeiture, under the provisions of this chapter, shall be so forfeited, unless the offence in respect of which such junk or cargo is liable to forfeiture, shall be tried by two Stipendiary Magistrates sitting together, who shall have power, in their discretion, to extend the period limited by law before or after the expiration thereof.

Trial of offences under this chapter. (*Ibid*, sec. 23.)

19. Every junk of which the master shall be charged with having violated the provisions of this chapter, shall be forthwith arrested and detained until the said master shall either have been acquitted of the offence charged, or if found guilty, shall have paid the penalty inflicted upon him, and in case he shall fail to pay, within ten days, any penalty which may be inflicted upon him, the same may be recovered by the sale of such junk, and the balance, if any, of the net proceeds thereof, after deducting therefrom the expenses of such sale and the amount of such penalty as aforesaid, shall be paid to the owner or owners of the junk, if claimed within twelve calendar months from the date of sale, and if not claimed within that period, shall be forfeited to the Crown: Provided that in case there shall be in the Colony any consignee or agent of such junk registered under paragraph 6, no sale thereof shall be made in pursuance of this paragraph until three days' previous notice thereof shall have been given in writing to such consignee or agent.

In case of non-payment of penalty by master, the same may be levied by sale of junk. (*Ibid*, sec. 24.)

20. Every junk forfeited or sold under the provisions of this chapter shall be transferred to the purchaser thereof, at the expense of the purchaser, by a bill of sale from the Harbour Master, and such bill of sale shall confer upon such purchaser, his executors, administrators and assigns, an indefeasible title to such junk.

Transfer to purchaser upon sale of junk. (*Ibid*, sec. 25.)

21. It shall be lawful for the Harbour Master, in such cases as he shall think fit, to grant to any owner of any junk or lorcha a licence authorizing such junk or lorcha to ply between this Colony and other ports, during such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine, and which conditions shall be endorsed on or contained in such licence, and such junk or lorcha having obtained a licence, the master thereof shall cause the number of said licence to be painted in black figures twenty inches in length (to the satisfaction of the Harbour Master) on a white ground on each bow: Provided that no such licence shall be granted unless the intended licensee shall enter into a bond together with one or more sureties resident in the Colony, and to be approved of by the Harbour Master, conditioned in any sum not exceeding one thousand five hundred dollars for the observance of the conditions of such licence.

Junk licences. (*Ibid*, sec. 26.)

Penalty for disobeying Harbour Master's orders. (*Ibid*, sec. 27.) 22. Every master or other person in charge of any junk, vessel or boat, whether licensed or not, shall obey any lawful orders which the Harbour Master may see fit to give, under a penalty not exceeding one hundred dollars.

Governor in Council empowered to frame rules for carrying out provisions of this chapter. (*Ibid*, sec. 28.) 23. The Governor in Council is hereby empowered to make such rules and regulations as to him shall seem fit for the proper carrying out the provisions of this chapter, and also to vary, from time to time, the fees chargeable to each junk under this chapter, and to prescribe, from time to time, the forms of all licences, passes, permits, and clearances under this chapter, and to provide adequate means for preventing by force when necessary any junk from leaving the waters of the Colony, or any anchorage for junks, in violation of any provision of this chapter.

Fishing boat licences. (*Ibid*, sec. 29.) 24. It shall be lawful for the Harbour Master, in such cases as he shall think fit, to grant to any person a licence for any boat or vessel to be used solely as a fishing boat or vessel for such period and subject to such conditions as the Harbour Master, with the approval of the Governor, may determine and which conditions shall be endorsed upon or contained in such licence. And such boat or vessel having obtained a licence, the master thereof shall cause the number of the said licence to be painted in white figures (to the satisfaction of the Harbour Master,) twenty inches in length on a black ground on each bow.

CHAPTER II.

LICENSING, &c., OF BOATS, CARGO BOATMEN, &c.

Governor in Council to make regulations for licensing, &c., boats, &c. XXXIX. It shall be lawful for the Governor in Council to make and publish regulations and, from time to time, to vary the same:

- (a.) For the licensing, due management, control and regulation of all boats or vessels, plying for hire within the waters of the Colony, other than boats or vessels having British, Colonial, or foreign registers, not being Chinese registers; and also other than market boats or vessels or junks within the meaning of chapter I of part III of this Ordinance.
- (b.) For the licensing registration and regulation of cargo boatmen;
- (c.) For fixing the scale of fees payable for such licenses;
- (d.) For fixing the scale of fares to be charged by such boat or vessel;
- (e.) For the regulation and management of all boats, ^{in the} ~~the~~ waters of the Colony and not plying for hire;
- (f.) For the registration or licensing of such last mentioned vessels and of the people dwelling in the same.

Punishment for drowning passengers in overcrowded boats. [7 & 8 Geo. 4, sec. 28.] [Local and personal.] 2. In case any greater number of persons or passengers shall be taken or carried in any such licensed boat or vessel, within the waters of the Colony than are respectively allowed to be carried therein by any regulations made by the Governor in Council, and any one or more of such persons or passengers shall be drowned, every person who shall be in charge of such boat, or vessel, shall be guilty of a misdemeanour, and may be punished therefor without prejudice to any civil remedy that any person may have against such misdemeanant.

Deck and Load Lines.

Ships to be marked with deck and load lines. XL. All ships registered in the Colony shall be marked with deck and load lines as is provided in the "Merchant Shipping Act, 1876." When a ship registered in the Colony has been marked in this section required, she shall be kept so marked until her next return to a port of discharge in the Colony.

2. The owner, or agent, or master of every British ship shall, before entering his ship outwards from any port in the Colony, mark the load line required by section 26 of the "Merchant Shipping Act, 1876."

3. He shall also, upon so entering her, insert in the form of entry delivered to the Harbour Master the statement in writing required by sub-section 3 of the said last mentioned section. If default is made in delivering this statement in the case of any such ship, the Harbour Master may refuse to enter the ship outwards.

Grain Cargoes.

XLI. The penalty provided by section 22 of the "Merchant Shipping Act, 1876," for knowingly allowing any grain cargo or part of a grain cargo to be shipped on any British ship may be recovered upon summary conviction before any Stipendiary Magistrate.

PART IV.

General.

XLII. So much of the various provisions of the third part of the "Merchant Shipping Act, 1854," and other Acts amending the same not being inconsistent with the provision of this Ordinance and now in force in England, as relates to rights to wages and remedies for the recovery thereof; to leaving seamen abroad; to the provisions, health and accommodation of seamen; to the power of seamen to make complaints; to the protection of seamen from imposition; to discipline; and to crimes committed abroad, shall apply *mutatis mutandis*, and so far as the same can be extended, to all ships registered in this Colony when such ships are within the jurisdiction of this Government, and to the owners, masters and crews of such ships.

2. Every offence declared by the "Merchant Shipping Acts, 1854 (M.S.A. 1854, to 1876," to be a misdemeanour where jurisdiction is given to the para. 518.) Court in this Colony shall be tried by the Supreme Court in the same manner as other misdemeanours are tried, and every offence thereby made punishable by imprisonment for any period not exceeding six months with or without hard labour or by any penalty not exceeding £100, shall be prosecuted summarily before any Magistrate or any two Justices of the Peace in like manner as other offences of like character committed in the Colony may be punished summarily, and any person convicted summarily shall have the like right of appeal as if the offence with which he is charged had been tried under any local Ordinance.

3. Where any order, notice, statement, or document requires, Service of for the purpose of any provision of this Ordinance, to be served on order on the master of a ship, the same shall be served where there is no master, &c. (M.S.A. 1876, para. 35.) master and the ship is in the Colony, on the owner or one of the owners of the ship, or if there is no owner, on the agent of the ship in the Colony, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

4. Any such order, notice, statement, or document may be served by delivering a copy thereof personally to the person to be served or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command of such ship.

5. Any person who obstructs the service of any order, notice, statement, or document on the master of a ship shall incur a penalty not exceeding fifty dollars and if the owner, agent, or master of the ship is a party or privy to such obstruction he shall

6. Where under this Ordinance a ship is authorised or ordered to be detained, if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner or agent, and any person who sends the ship to sea, if such owner or agent, or person be party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding five hundred dollars. Enforcing detention of ship. (M.S.A. 1876, para. 34.)

7. Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any Surveyor or officer appointed by the Governor, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or Surveyor being so taken to sea and also a penalty not exceeding five hundred dollars, or, if the offence is not prosecuted in a summary manner, not exceeding fifty dollars for every day until the officer or Surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

8. In addition to the powers hereinbefore given, it shall be lawful for the Governor in Council, from time to time, to make, alter and repeal regulations for the better and more effectual carrying out of the provisions of this Ordinance. All such regulations shall be published in the *Gazette*, and when so published shall have the force of law. General power to the Governor in Council to make regulations.

9. In any regulations under this Ordinance, except with reference to quarantine, it shall be lawful for the Governor in Council to impose penalties. And to impose penalties. but so nevertheless that the penalty for the breach of any such regulations do not exceed two hundred dollars or six months' imprisonment with or without hard labour.

10. Where the Governor has power to make any orders, rules, or regulations in Council it shall be lawful for him, from time to time, to make such orders, rules and regulations in Council and to revoke, alter, or add to any orders, rules or regulations so made. Provision as to rules, &c., made by Governor in Council.

11. All such orders, rules and regulations shall be published in the *Gazette*. (M.S.A. 1876, para. 38.)

12. Upon the publication of any such orders, rules or regulations in the *Gazette* they shall, after the date of such publication, or any later date mentioned in such orders, rules, or regulations, take effect as if they were enacted by the Legislature of this Colony.

13. There may be paid out of the Colonial Revenue to any member of a Marine Board, Assessor, and to any other officer or person appointed under this Ordinance, such remuneration (if any) as this Ordinance directs, or, in so far as this Ordinance does not extend, as the Governor from time to time directs.

14. There may be paid out of Colonial Revenue all costs and compensation payable by the Governor in pursuance of this Ordinance.

Recovery of penalties and expenses.

15. All offences against this Ordinance, or any regulations made thereunder, except when otherwise provided, may be heard and determined by any Stipendiary Magistrate, and all penalties imposed by and expenses recoverable under this Ordinance, or any regulation made thereunder, except when otherwise provided, may be recovered in a summary way before any Stipendiary Magistrate.

Forgery.

16. Whosoever, with intent to defraud, shall forge, or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any certificate, ticket, document, matter, or thing named in this Ordinance, or any regulation made thereunder, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Fees.

Fees payable under this Ordinance and under M. S. A. 1854.

XLIII. The fees specified in tables marked *B*, *C* and *D* of the schedule hereto are hereby declared to be payable to the Harbour Master as the lawful fees for the discharge of the respective duties therein specified, and the same and all other fees payable under this Ordinance, or any regulation made thereunder, may be recovered in a summary manner before any Stipendiary Magistrate.

Fees to be paid into the Colonial Treasury.

2. All such fees and all costs and expenses recovered under this Ordinance, after making necessary deductions, shall be paid into the Colonial Treasury to the use of Her Majesty.

Abstract of Ordinance to be given to Masters.

Abstract of Ordinance to be given to masters of every vessel.

XLIV. An abstract of such portions of this Ordinance as the Governor in Council may direct, shall be delivered to the master of every vessel upon her entering the waters of the Colony; and if before obtaining clearance, the master do not return such abstract to the Harbour Master, he shall pay a fee of one dollar for the same.

Repealing Clause.

Repealing clause.

XLV. On and from the coming into operation of this Ordinance the Ordinances hereunder specified shall be repealed to the extent herein mentioned: Provided that any officer appointed in pursuance of any such enactments shall be deemed to have been appointed under this Ordinance, and any rules or regulations made by the Governor or the Governor in Council in pursuance of any such enactment and not repealed by this Ordinance or by any rules or regulations hereafter made or to be made thereunder, shall be deemed to have been made under this Ordinance, and this Ordinance shall not affect:—

- (1.) Anything done or suffered under any enactment hereby repealed; nor
- (2.) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby repealed; nor
- (3.) Any penalty, forfeiture, or punishment incurred in respect of any offence against any enactment hereby repealed; nor
- (4.) Any legal proceeding in respect of any such right, power, duty, obligation, liability, penalty, forfeiture, or punishment, and any such legal proceeding may be carried on as if this Ordinance had not passed;

nor revive any enactment repealed by any of the said Ordinances or sections.

Ordinance 14 of 1845,.....	}	Sub-sections 8 and 9 of sec. iii; sub-sections 1, 2, and 3 of sec. vi; and secs. vii and viii.
" 4 of 1850,.....	}	The whole.
" 6 of 1852,.....	}	The whole.
" 4 of 1855,.....	}	The whole.
" 9 of 1856,.....	}	The whole.
" 8 of 1858,.....	}	Sec. xvi.

TABLE (B.)

Table of Fees payable to the Harbour Master under "The Merchant Shipping Act, 1854," and section III of this Ordinance.

	Amount of Fee.
Effecting an Imperial register and granting certificate thereof,.....	\$15
Effecting a Colonial register and granting certificate thereof,	25
Copy from Registry Book,.....	5
For every declaration made in any of the forms B, C, F, G, H, or L, in the schedule to "The Merchant Shipping Act, 1854," or under section III, para. 4 of this Ordinance,.....	2
Endorsing a memorandum of change of master upon certificate of registry,	1
Endorsing a memorandum of change of ownership upon certificate of Colonial Registry,	25
Endorsing a memorandum of change of ownership upon certificate of Imperial Register,.....	2
Certificate of sale or mortgage,	2
Recording a mortgage of a ship, or shares in a ship, made under a certificate of mortgage,	5
Recording the transfer of a mortgage of a ship, or shares in a ship, made under a certificate of mortgage,	5
Recording the discharge of a mortgage of a ship, or shares in a ship, made under a certificate of mortgage,	5
Endorsement on Register of change in rig or tonnage,.....	2
For every sale of a ship, or shares in a ship, under a certificate of sale,...	5
For every alteration in agreements with seamen,.....	1
For certifying a desertion,.....	1
For attesting a seaman's will,	Nil
For examining provisions or water (to be paid by the party failing to support his case),.....	5
For renewing Colonial register under section III, para. 13,	5

TABLE (C.)

Table of Maximum Fees for the measurement, survey, and inspection of Merchant Ships under Sections V, VI, and VIII of this Ordinance.

For a ship under 50 tons register tonnage,	\$ 5.00
„ from 50 to 100 tons register tonnage,	10.00
„ „ 100 to 200 „ „	15.00
„ „ 200 to 500 „ „	25.00
„ „ 500 to 800 „ „	35.00
„ „ 800 to 1,200 „ „	45.00
„ „ 1,200 to 2,000 „ „	55.00
„ „ 2,000 to 3,000 „ „	65.00
„ „ 3,000 to 4,000 „ „	75.00
„ „ 4,000 to 5,000 „ „	85.00
„ „ 5,000 and upwards „ „	95.00

TABLE (D.)

<i>Sea-going,</i>		<i>Fishing Licence.</i>
For vessels under 500 piculs burden, a year,.....	\$10.00	\$1.00
For vessels under 500 piculs burden, a month or fraction of a month,	\$ 1.00	\$0.20
For vessels of 500 piculs and less than 1,000 piculs burden, a year,	\$15.00	\$3.00
For vessels of 500 piculs and less than 1,000 piculs burden, a month or fraction of a month,	\$ 1.50	\$0.40
For vessels of and above 1,000 piculs burden, a year,	\$20.00	\$5.00
For vessels of and above 1,000 piculs burden, a month or fraction of a month,	\$ 2.00	\$0.50
Ancorage pass,	\$0.25	
Special permit,	\$0.25	
Day clearance,	\$0.25	
Night clearance,	\$1.00	

TABLE (E.)

Spaces to be allotted to passengers in ships not within the "Chinese Passengers Act, 1855."

Between the 15th of October, and the 31st of May, inclusive:—

1. The space to be provided on the between decks shall be for the lower between decks 12 superficial and 84 cubic feet of space for each passenger; and in the upper between decks there shall be 9 superficial and 54 cubic feet for each passenger.
2. On the upper or weather deck there shall be provided 4 superficial feet of deck space for exercise for the crew and for every passenger accommodated in the between decks; and if it shall be intended to carry passengers on the _____ of the said weather deck then 12 superficial feet of such remaining _____ shall be provided for each such upper deck passenger.

Between the 1st of June, and the 14th of October, inclusive:—

3. The space to be provided in the between decks shall be in accordance with the first paragraph of this table, but no ship shall carry upper deck passengers unless she is furnished with a deck house or other permanent protection against the weather for the number of passengers such structure will accommodate at 12 superficial feet and 72 cubic feet per adult passenger.

Generally.

Passengers are not to be carried on more than two decks on any one voyage. The superficial area of a deck shall mean the area of the deck itself exclusive of skylights, hatchways and other encumbrances.

TABLE (F.)

I. The owner of any steam-vessel of less than fifty tons burden desirous of obtaining a licence to carry passengers for hire within the waters of the Colony, or to any place outside of the waters of the Colony, shall cause the said vessel to be surveyed by a Marine Surveyor and by an Engineer Surveyor both of whom shall be persons approved by the Government.

II. The certificate of the Marine Surveyor, shall contain statements of the following particulars:—
statements of the following particulars:—

- a. That the hull, length—breadth—depth—=—tons, is sufficient for the service intended, and in good condition.
- b. The number of passengers which the vessel is fit to carry, being, for vessels plying beyond the waters of the Colony, at the rate of ten superficial feet of the upper or weather deck, and at the rate of ten superficial feet of the deck immediately below the upper deck, for each passenger and member of the crew; and for vessels plying within the waters of the Colony, at the rate of seven superficial feet per passenger and member of the crew.
- c. That the master possesses a certificate of competency from the Harbour Master of Hongkong.
- d. That provision is on board for the shelter of deck passengers, and that there are two approved life buoys on board.
- e. That the vessel carrying passengers outside the waters of the Colony has boats sufficient for the accommodation of half of the number of passengers and crew which the vessel is certified to carry.
- f. That the vessel is properly fitted with bow and masthead lights and also a riding light.
- g. That the vessel is properly found with anchors and chains.
- h. That the crew is sufficient for the requirements of the vessel in the opinion of the Harbour Master.

III. The certificate of Engineer the Surveyor shall contain statements of the following particulars:—

- a. That the machinery and boiler of the vessel are sufficient for the service intended, and in good condition, and that the safety valve is so constructed as to be out of the control of the engineer when the steam is up and is not loaded beyond the pressure permitted by the Engineer Surveyor's certificate.
- b. The time for which such machinery will be sufficient.
- c. That the engineer of the vessel possesses a certificate of competency from the Harbour Master of Hongkong.

IV. Such certificates shall be in force for the period of six months.

V. On the receipt of the before-mentioned certificates, the Harbour Master will cause a licence to be issued to the owner or master empowering the therein described vessel to convey the number of passengers certified to on the Marine Surveyor's declaration for a period of six months.

VI. Every vessel licensed under this Ordinance shall have her name in English and Chinese legibly painted on her stern and on each bow, and the number of passengers she is licensed to carry.

VII. The Engineer Surveyor and Marine Surveyor shall be entitled to a fee of five dollars for each vessel.

VIII. Vessels plying for hire within the waters of the Colony shall pay a licence fee at the rate of \$5 per annum, and vessels plying for hire outside the waters of the Colony shall pay a licence fee at the rate of \$10 per annum. These fees shall be payable for half-yearly.

An Ordinance enacted by the Governor of Hongkong, Title,
with the advice of the Legislative Council thereof,
to amend Ordinance No. 4 of 1863.

[, 1878.]

WHEREAS doubts have arisen as to whether under sections XI and XII of Ordinance No. 4 of 1863, punishments directed to be inflicted for breach of regulations or of prison discipline by the Superintendent of the Gaol or the Superintendent in conjunction with a Justice of the Peace (as the case may be) can lawfully be carried out after the expiration of the term of imprisonment for which the offender was originally sentenced, and it is desirable to remove such doubts: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

I. All punishments imposed under the authority of sections XI and XII of Ordinance No. 4 of 1863, shall be valid and effectual to all intents and purposes, notwithstanding the expiration of the period for which the offender was originally sentenced to imprisonment by lawful authority, and the Superintendent of any Gaol may lawfully detain any prisoner after the expiration of his original sentence and deal with him, in all respects, as if his original sentence had not expired in carrying out the punishment imposed on such offender under the authority of sections XI and XII of Ordinance No. 4 of 1863.